रजिस्ट्री सं० डी० एल० (एन) 04/0007/2003—05

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भारत का राजपत्र
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No. 18] NEW DELHI, APRIL 30—MAY 6, 2006, SATURDAY/VAISAKHA 10—VAISAKHA 16, 1928

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग-II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं

Statutory Orders and Notifications Issued by the Ministries of the Government of India (Other than the Ministry of Defence)

वित्त मंत्रालय

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 13 अप्रैल, 2006

का०आ० 1676.—गोवा, दमन एवं दीव (बैंकों का पुनर्गठन) विनियमन, 1962 के विनियम 4 (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्द्वारा, श्री वेंकटेश गणपतराव हेगड़े, सहायक महाप्रबंधक (एसएमजीएस-V), भारतीय स्टेट बैंक को 19-4-2006 से तीन वर्ष की अवधि के लिये, यथा 18-4-2009 तक, बैंको नैशनल अल्ट्रामैरिनो एंड केक्सा इकॉनोमिका डि गोवा के अभिरक्षक के रूप में नियुक्त करती है।

[फा. सं. 66 (1)/2006-बीओ-II]

अशोक कुमार, अवर सचिव

MINISTRY OF FINANCE

(Department of Economic Affairs)

(BANKING DIVISION)

New Delhi, the 13th April, 2006

S.O. 1676.—In exercise of the powers conferred under regulation 4 (1) of Goa, Daman and Diu (Banks' Reconstruction) Regulations, 1962, the Central Government hereby appoints Shri Venkatesh Ganpatrao Hegde, Assistant General Manager (SMGS-V) in the State Bank of India, as the Custodian of Banco National Ultramarino and Caixa Economica de Goa w.e.f. 19-4-2006, for a period of three years i.e. upto 18-4-2009.

[F. No. 66 (1)/2006-BO-II]

ASHOK KUMAR, Under Secy.

नई दिल्ली, 13 अप्रैल, 2006

का०आ० 1677.—सरकारी स्थान (अप्राधिकृत अम्भोगियों की बेदखली) अधिनियम, 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और दिनांक 9-4-90 के भारत सरकार, वित्त मंत्रालय, आर्थिक कार्य विभाग, (बैंकिंग प्रभाग) की अधिसूचना सं० 13/5/89-बीओ-III तथा तत्पश्चात् दिनांक 9-3-1996 को भारत के राजपत्र में प्रकाशित अधिसूचना सं० का०आ० सं० 632 तथा दिनांक 18-2-2005 के का०आ० सं० 711 का अधिक्रमण करते हुए, ऐसे अधिक्रमण से पूर्व उन बातों के सिवाय, जिन्हें किया गया है या किए जाने के लिए छोड़ दिया गया है, केन्द्र सरकार, एतद्द्वारा, सरकार के राजपत्रित अधिकारी के स्तर के समकक्ष अधिकारी होने पर निम्नलिखित सारणी के कालम (1) में उल्लिखित अधिकारी को उक्त अधिनियम के प्रयोजन के लिए सम्पदा अधिकारी के रूप में नियुक्त करती है जो सारणी के कालम (2) में उल्लिखित सरकारी स्थानों के संबंध में उक्त अधिनियम द्वारा या उसके अधीन सम्पदा अधिकारियों को प्रदत्त शक्तियों का प्रयोग करेंगे और उन्हें सौंपे गए कर्तव्यों को पूरा करेंगे :

सारणी

अधिकारी का पदनाम	सरकारी स्थानों की श्रेणियां तथा क्षेत्राधिकार की स्थानीय सीमाएं
उप महाप्रबंधक (विधि सेवाएं), देना बैंक, देना कार्पोरेट केन्द्र, प्रधान कार्यालय, मुम्बई	देना बैंक, जिसका प्रधान कार्यालय, मुम्बई में है, के स्वामित्व वाले/उनकी संपत्ति वाले तथा उनके प्रशासनिक नियंत्रण वाले समूचे भारत में स्थित स्थान

[फा. सं. 13/2/2005-बीओ-II]

अशोक कुमार, अवर सचिव

New Delhi, the 13th April, 2006

S.O. 1677.—In exercise of the powers conferred by Section 3 of Public Premises (Eviction of Unauthorized Occupants) Act, 1971 (40 of 1971) and in supersession of the notification of the Government of India in the Ministry of Finance, Department of Economic Affairs (Banking Division) No. 13/5/89-BO-III dated 9-4-90 and subsequent notification published in the Gazette of India under S.O. No. 632 dated 9-3-1996 and S.O. No. 711 dated 18-2-2005 except in respect of things done or omitted to be done before such supersession, the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being officer equivalent to the rank of a Gazetted Officer of Government to be Estate Officer for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on the Estate Officers by or under the said Act. In respect of the public premises specified in column (2) of the said table :

TABLE

Designation of the Officer	Categories of public premises and local limits of jurisdiction
The Dy. Gen. Manager (Legal Services), Dena Bank, Dena Corporate Centre, Head Office, Mumbai	Premises situated any where owned by/belonging to, and under the administrative control of the Dena Bank having Head Office at Mumbai

[F. No. 13/2/2005-BO-II]

ASHOK KUMAR, Under Secy.

नई दिल्ली, 19 अप्रैल, 2006

का.आ. 1678.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबंध) योजना, 1970 के खण्ड 3 के उपखण्ड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970 की धारा 9 की उपधारा (3) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्द्वारा, नीचे दी गई तालिका के कॉलम 2 में विनिर्दिष्ट व्यक्तियों को तत्काल प्रभाव से और अगला आदेश होने तक अथवा उनके वित्त मंत्रालय में अधिकारी बने रहने तक, इनमें से जो भी पहले हो, कॉलम 1 में विनिर्दिष्ट बैंकों में, कॉलम 3 में विनिर्दिष्ट व्यक्तियों के स्थान पर, निदेशक के रूप में नामित करती है :

सारणी

(1)	(2)	(3)
बैंक ऑफ महाराष्ट्र	श्री तरुण बजाज, निदेशक, वित्त मंत्रालय, बैंकिंग प्रभाग, जीवन दीप भवन, नई दिल्ली	सुश्री पी० बोलिना
ओरियंटल बैंक ऑफ कामर्स	सुश्री पी० बोलिना, निदेशक, वित्त मंत्रालय, बैंकिंग प्रभाग, जीवन दीप भवन, नई दिल्ली	श्री योगेश चन्द्र

[फा. सं. 9/11/2004-बीओ-I]

जी०बी० सिंह, अवर सचिव

New Delhi, the 19th April, 2006

S.O. 1678.—In exercise of the powers conferred by clause (b) of Sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, read with sub-clause (1) of clause 3 of the

Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970 the Central Government, hereby nominate the persons specified in column 2 of the table below as Directors of the Banks specified in column 1 thereof in place of the persons specified in column 3 of the said table, with immediate effect and until further orders or till they cease to be an officer of the Ministry of Finance, whichever is earlier :—

TABLE

1	2	3
Bank of Maharashtra	Shri Tarun Bajaj, Director, Ministry of Finance, Banking Division, Jeevan Deep Building, New Delhi	Ms. P. Bolina
Oriental Bank of Commerce	Ms. P. Bolina, Director, Ministry of Finance, Banking Division, Jeevan Deep Building, New Delhi	Shri Yogesh Chandra

[F. No. 9/11/2004-BO-I]

G. B. SINGH, Under Secy.

नई दिल्ली, 25 अप्रैल, 2006

का.आ. 1679.—भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) की धारा 19 के खण्ड (ख) और धारा 20 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एतद्द्वारा स्टेट बैंक ऑफ त्रावणकोर के प्रबंध निदेशक श्री ओ०पी० भट्ट (जन्म तिथि : 7-3-1951) को उनके पदभार ग्रहण करने की तारीख से 24050-600-26000 रुपये के वेतनमान में 31-3-2011 तक अर्थात्, जब वे अधिवर्षिता की आयु प्राप्त करेंगे या अगला आदेश होने तक, जो भी पहले हो, भारतीय स्टेट बैंक के प्रबंध निदेशक के रूप में नियुक्त करती है।

[फा. सं. 9/25/2005-बीओ-I]

जी०बी० सिंह, अवर सचिव

New Delhi, the 25th April, 2006

S.O. 1679.—In exercise of the powers conferred by clause (b) of Section 19 and sub-section (1) of Section 20 of the State Bank of India Act, 1955 (23 of 1955), the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri O.P. Bhatt (DOB : 7-3-1951) Managing Director, State Bank of Travancore as Managing Director, State Bank of India in the pay scale of Rs. 24050-600-26000 with effect from the date of his taking charge and upto 31st March, 2011 i.e. the last day of the month in which he would attain the age of superannuation or until further orders, whichever is earlier.

[F. No. 9/25/2005-BO-I]

G. B. SINGH, Under Secy.

नई दिल्ली, 26 अप्रैल, 2006

का.आ. 1680.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खण्ड 8 के उपखण्ड (1) और खण्ड 3 के उपखण्ड (1) के साथ पठित, बैंककारी कम्पनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उपधारा (3) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतद्द्वारा, श्री राजशेखर रेड्डी (जन्मतिथि : 15-8-1950) वर्तमान महाप्रबन्धक, बैंक ऑफ इंडिया को 1-5-2006 को या उसके बाद पद ग्रहण करने की तारीख से और उनकी अधिवर्षिता की आयु प्राप्त होने की तारीख तथा 31-8-2010 तक या अगला आदेश होने तक, जो भी पहले हो, यूनियन बैंक ऑफ इंडिया के पूर्णकालिक निदेशक (कार्यपालक निदेशक के रूप में पदनामित) के रूप में नियुक्त करती है।

[फा. सं. 9/14/2006-बीओ-I]

जी०बी० सिंह, अवर सचिव

New Delhi, the 26th April, 2006

S.O. 1680.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980, read with sub-clause (1) of clause 3, sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri Rajasekhara Reddy (DOB : 15-08-1950) presently General Manager, Bank of India, as a whole time Director (designated as the Executive Director) of Union Bank of India from the date of his taking charge on or after 01-05-2006 and upto 31-08-2010, i.e. the date of his attaining the age of superannuation or until further orders, whichever is earlier.

[F. No. 9/14/2006-BO-I]

G. B. SINGH, Under Secy.

नई दिल्ली, 26 अप्रैल, 2006

का.आ. 1681.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खण्ड 8 के उपखण्ड (1) और खण्ड 3 के उपखण्ड (1) के साथ पठित, बैंककारी कम्पनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उपधारा (3) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एतद्द्वारा,

श्री राजीव माधोक (जन्मतिथि : 27-06-1948) वर्तमान महाप्रबन्धक ओरियंटल बैंक ऑफ कामर्स को 01-05-2006 को या उसके बाद पद ग्रहण करने की तारीख से और उनकी अधिवर्षिता की आयु प्राप्त होने की तारीख यथा 30-06-2008 तक अथवा अगला आदेश होने तक, जो भी पहले हो, बैंक ऑफ महाराष्ट्र के पूर्णकालिक निदेशक (कार्यपालक निदेशक के रूप में पदनामित) के रूप में नियुक्त करती है।

[फा. सं. 9/15/2006-बीओ-I]

जी०बी० सिंह, अवर सचिव

New Delhi, the 26th April, 2006

S.O. 1681.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980, read with sub-clause (1) of clause 3, Sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri Rajiv Madhok (DOB : 27-06-1948) presently General Manager, Oriental Bank of Commerce, as a whole time director (designated as the Executive Director) of Bank of Maharashtra from the date of his taking charge on or after 01-05-2006 and till 30-06-2008, i.e. the date of his attaining the age of superannuation or until further orders, whichever is earlier.

[F. No. 9/15/2006-BO-I]

G. B. SINGH, Under Secy.

नई दिल्ली, 26 अप्रैल, 2006

का.आ. 1682.—राष्ट्रीयकृत बैंक (प्रबन्ध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खण्ड 3 के उपखण्ड (1) खण्ड 5, खण्ड 6, खण्ड 7 और खण्ड 8 के उपखण्ड (1) के साथ पठित, बैंककारी कम्पनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उपधारा (3) के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्द्वारा, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, श्री ए.वी. दुगाड़े, (जन्म तिथि : 10-03-1948) कार्यपालक निदेशक, बैंक ऑफ महाराष्ट्र को को 01-05-2006 को या उसके बाद पद ग्रहण करने की तारीख से और उनकी अधिवर्षिता की आयु प्राप्त कर लेने तक यथा 31-3-2008 तक अथवा अगला आदेश होने तक, जो भी पहले हो, इण्डियन ओवरसीज बैंक के कार्यपालक निदेशक के रूप में नियुक्त करती है।

[फा. सं. 9/7/2003-बीओ-I]

जी०बी० सिंह, अवर सचिव

New Delhi, the 26th April, 2006

S.O. 1682.—In exercise of the powers conferred by clause (a) of sub-section (3) of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980, read with sub-clause (1) of clause 3, clause-5, clause 6, clause 7 and sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri A.V. Dugade (DOB : 10-03-1948) Executive Director, Bank of Maharashtra as Executive Director, Indian Overseas Bank from the date of his taking charge on or after 01-05-2006 and till 31-03-2008, i.e. the date of attaining the age of superanuation or until further orders, whichever is earlier.

[F. No. 9/7/2003-BO-I]

G. B. SINGH, Under Secy.

(राजस्व विभाग)

आदेश

नई दिल्ली, 17 अप्रैल, 2006

स्टाम्प

का.आ. 1683.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा धन लक्ष्मी बैंक लिमिटेड, थ्रिसूर को मात्र तीन लाख, पचहत्तर हजार रुपए का समेकित स्टाम्प शुल्क अदा करने की अनुमति देती है, जो उक्त बैंक द्वारा जारी किए जाने वाले मात्र दस करोड़ रुपए के समग्र मूल्य के ऋणपत्रों के स्वरूप वाले असुरक्षित विमोच्य और गैर परिवर्तनीय गौण बंध पत्र (डी0बी0एल0-श्रृंखला 6) पर स्टाम्प शुल्क के कारण प्रभार्य है।

[सं. 10/2006-स्टाम्प फा. सं. 33/14/2006-बि.क.]

आर० जी० छाबड़ा, अवर सचिव

(Department of Revenue)

ORDER

New Delhi, the 17th April, 2006

STAMPS

S.O 1683.—In exercise of the powers conferred by clause (B) of sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits The Dhanalakshmi Bank Limited, Thrissur to pay consolidated stamp duty of rupees three lakh seventy five thousand only chargeable on account of the stamp duty on Unsecured Redeemable Non-Convertible Subordinated Bonds DBL Bonds—Series VI) in the nature of Debentures aggregating to rupees ten crore only, to be issued by the said Bank.

[No.10/2006-STAMP/F. No. 33/14/2006-ST]

R.G. CHHABRA, Under Secy.

आदेश

नई दिल्ली, 17 अप्रैल, 2006

स्टाम्प

का.आ. 1684.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा आवास एवं शहरी विकास निगम लिमिटेड, नई दिल्ली, को मात्र दो करोड़ पचास लाख रुपये का समेकित स्टाम्प शुल्क अदा करने की अनुमति देती है, जो उक्त नियम द्वारा 28 मार्च, 2006 को जारी किए गए मात्र पांच सौ करोड़ रुपये के समग्र मूल्य के 1 से 5000 तक की विशिष्ट संख्या वाले हुडको बंधपत्र संरचित सौदा-11 (2006) के रूप में वर्जित बंध पत्रों पर स्टाम्प शुल्क के कारण प्रभार्य है।

[सं. 9/2006-स्टाम्प फा. सं. 33/15/2006-बि.क.]

आर० जी० छाबड़ा, अवर सचिव

ORDER

New Delhi, the 17th April, 2006

STAMPS

S.O. 1684.—In exercise of the powers conferred by clause (B) of sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits Housing and Urban Development Corporation Limited, New Delhi to pay consolidated stamp duty of rupees two crore fifty lakh only chargeable on account of the stamp duty on bonds described as **HUDCO Bonds Structured Deal-II (2006) bearing distinctive numbers from 1 to 5000** aggregating to rupees five hundred crore only issued by the said Corporation on 28th March, 2006.

[No. 9/2006-STAMP/F. No. 33/15/2006-ST]

R.G. CHHABRA, Under Secy.

(केंद्रीय उत्पाद शुल्क पुणे-III आयुक्त का कार्यालय)

पुणे, 20 अप्रैल, 2006

संख्या : 01/2006 सीमाशुल्क (नॉन टैरिफ)

का.आ.1685.—भारत सरकार, वित्त मंत्रालय राजस्व विभाग, नई दिल्ली द्वारा दिनांक 01-07-1994 को जारी की गई अधिसूचना संख्या 33, 1994 सीमा शुल्क (नॉन टैरिफ) के अधीन मुझे प्रदत्त अधिकारों को कार्यान्वित करते हुए, मैं, ए.एस.आर. नायर आयुक्त, केंद्रीय उत्पाद शुल्क पुणे-3 एतद्द्वारा महाराष्ट्र राज्य के गाँव :--धाखली तालुका मुन्शी, जिला पुणे-412108 को सीमा शुल्क अधिनियम 1962 (1962 का 52) की धारा 9 के अधीन तथा 100% ई.ओ.यू स्थापना हेतु, वेअरहाउसिंग स्टेशन के रूप में घोषित कर रहा हूँ।

[फा. सं. वीजीएन (30)/272/ईओयू/06]

ए.एस.आर. नायर, आयुक्त

(CENTRAL EXCISE AND CUSTOMS
PUNE-III COMMISSIONERATE)

Pune, the 20th April, 2006

No. 01/2006-Customs (N.T.)

S.O. 1685.—In exercise of the powers conferred on me by the Notification NO. 33/1994—Cus (N.T.), dated 01-07-1994, of the Government of India, Ministry of Finance, Department of Revenue, New Delhi under the clause (a) of Section 152 of the Customs Act' 1962 (52 of 1962) Daravali village, Taluka Mulshi, Dist. Pune-412108 in the state of Maharashtra is hereby declared to be Warehousing under Section -9 of the customs Act, 1962 (52 of 1962), for limited purpose of setting up of 100% Export Oriented Unit as approved by the Development Commissioner, SEEPZ, Mumbai.

[F. No. VGN (30)/272/EOU/06]

A.S.R. NAIR, Commissioner

(केन्द्रीय उत्पाद शुल्क आयुक्तालय)

जयपुर, 28 अप्रैल, 2006

सं. 02/सीमा शुल्क (एन टी) 2006

सीमा-शुल्क

का.आ. 1686.—सीमा शुल्क अधिनियम, 1962 की धारा 152 के खण्ड (ए) के तहत भारत सरकार, वित्त मंत्रालय राजस्व विभाग, नई दिल्ली की अधिसूचना संख्या 33/94--सीमा शुल्क (एन टी) दिनांक प्रथम जुलाई, 1994 के अन्तर्गत प्रदत्त शक्तियों का प्रयोग करते हुए मैं जे. चतुर्वेदी, आयुक्त केन्द्रीय उत्पाद शुल्क, जयपुर--द्वितीय एतद्द्वारा, शतप्रतिशत निर्यात संवर्द्धन ईकाई स्थापित करने के उद्देश्य से सीमा शुल्क अधिनियम,1962 की धारा 9 के अन्तर्गत राजस्थान राज्य के भीलवाड़ा जिले के राजस्व ग्राम कान्याखेडी तहसील खैराबाद, को भण्डारण स्टेशन (वेयर हाउसिंग स्टेशन) घोषित करता हूं।

[फा. सं. पंचम (ईओयू) 30/जे.पी. II/05/05/पार्ट]

जे. चतुर्वेदी, आयुक्त

(OFFICE OF THE COMMISSIONER CENTRAL EXCISE)

Jaipur, the 28th April, 2006

No. 02-Cus (NT) 2006

CUSTOMS

S.O. 1686.—In exercise of the powers conferred by Notification No. 33/94—Customs (NT) dated the 1st July 1994, of the Government of India, Ministry of Finance Department of Revenue, New Delhi issued under clause (a) of Section 152 of Customs Act, 1962 I. J. Chaturvedi, Commissioner of Central Excise Jaipur-II, hereby declare revenue village Kaniya khedi Tehsil Kherabad District Bhilwara in the State of Rajasthan to be warehousing station under Section 9 of the Customs Act 1962 for the purpose of setting up 100% EOU.

[C. No. V(EOU) (30)/JP-II/05/2005/Pt]

J. CHATURVEDI, Commissioner

पोत-परिवहन, सड़क-परिवहन और राजमार्ग मंत्रालय

(पोत-परिवहन-विभाग)

नई दिल्ली, 25 अप्रैल, 2006

का.आ. 1687.—नाविक-भविष्य-निधि-योजना, 1966 के पैराग्राफ 37 द्वारा प्रदत्त अधिकार प्रयुक्त करके और भारत सरकार के पोत-परिवहन, सड़क-परिवहन और राजमार्ग-मंत्रालय, पोत-परिवहन-विभाग की दिनांक 26 सितम्बर, 2005 की अधिसूचना सं0 का0आ0 1394 (अ0) को अधिक्रान्त करके, केन्द्र-सरकार, नाविक-भविष्य-निधि के न्यासी-मंडल के परामर्श से, एतद्द्वारा, 01 अप्रैल, 2006 से उपर्युक्त योजना के पैराग्राफ 35 के अनुसार देय, नाविक-भविष्य-निधि में नियोक्ताओं और नाविकों के कुल अंशदान की 4.5 प्रतिशत धनराशि को प्रशासनिक प्रभार के रूप में निर्धारित करती है।

[फा. सं. जी-20017/2/2003-एम टी]

रघुनाथ त्रिपाठी, उप सचिव

MINISTRY OF SHIPPING, ROAD TRANSPORT AND HIGHWAYS

(Department of Shipping)

New Delhi, the 25th April, 2006

S.O. 1687.—In exercise of the powers conferred by Paragraph 37 of the Seamen's Provident Fund Scheme, 1966 and in supersesion of the notification of the Government of India, Ministry of Shipping, Road Transport and Highways, Department of Shipping S.O. 1394(E) dated 26th September, 2005, the Central Government, in consultation with the Board of Trustees of the Seamen's Provident Fund hereby fixes with effect from the 1st day of April, 2006, 4.5 per cent of the total of employers ' and seamen's contribution to the Seamen's Provident Fund as administrative charges payable under paragraph 35 of the said Scheme.

[F. No. G-20017/2/2003-MT]

R. N. TRIPATHY, Dy. Secy.

(सूचना का अधिकार-प्रकोष्ठ)

नई दिल्ली, 18 अप्रैल, 2006

का.आ. 1688.—फाइल सं. एच-11020/2/2005-स्थापना के अंतर्गत जारी किए गए दिनांक 11 अक्टूबर, 2005 के का.आ. सं. 1484 (अ.) में आंशिक संशोधन करते हुए और सूचना का अधि-कार-अधिनियम, 2005 (वर्ष, 2005 के अधिनियम सं. 22) की धारा 5 की उपधारा (1) के अनुसरण में, पोत-परिवहन, सड़क-परिवहन और राजमार्ग-मंत्रालय, पोत-परिवहन-विभाग (मुख्यालय), अपना कार्य-भार त्याग चुके श्री टी.एस. नेगी के स्थान पर, श्री राजीव कुमार, उप सचिव (प्रशासन और पत्तन-संचालन) (दूरभाष सं.-23716619) को एतद्द्वारा, पोत-परिवहन-विभाग के मुख्यालय के अधिकारियों और कर्मचारियों के प्रशासनिक पहलुओं से संबंधित सभी मामलों में केन्द्रीय लोक-सूचना-अधिकारी के रूप में नामोदिष्ट करता है।

[फा. सं. आई-35019/3/2005-सूचना का अधिकार]

एस. एम. खन्ना, उप सचिव

(RIGHT TO INFORMATION CELL)

New Delhi, the 18th April, 2006

S.O. 1688.— In Partial modification of S.O. 1484(E) dated 11th October, 2005 issued under File No. H-11020/2/2005-Estt. and in pursuance of Sub-Section (1) of Section 5 of the Right to Information Act, 2005 (22 of 2005), the Department of Shipping (Heaquarters), Ministry of Shipping, Road Transport & Highways hereby designates Shri Rajeev Kumar, Deputy Secretary (Administration & Port Operation.) [Tel No. 23716619] Room No. 412, Transport Bhavan, New Delhi-110001 as Central Public Information Officer (CPIO) for all matters concerning administrative aspects of the officers and staff of the Headquarters of the Department of Shipping in place of Shri T.S. Negi who has since relinquished his charge.

[F. No. I-35019/3/2005-RTI]

S.M. KHANNA, Dy. Secy.

नई दिल्ली, 19 अप्रैल, 2006

का.आ. 1689.—फाइल सं. एच-11020/2/2005-स्थापना के अंतर्गत जारी किए गए दिनांक 11 अक्तूबर, 2005 के का.आ. सं. 1484 (अ.) में आंशिक संशोधन करते हुए और सूचना का अधि कार-अधिनियम, 2005 (वर्ष, 2005 के अधिनियम सं. 22) की धारा 5 की उपधारा (1) के अनुसरण में, पोत-परिवहन, सड़क-परिवहन और राजमार्ग-मंत्रालय, पोत-परिवहन-विभाग (मुख्यालय), अपना कार्य-भार त्याग चुके श्री प्रदीप कुमार के स्थान पर, श्री दिनेश कुमार, निदेशक (पोत-परिवहन-विकास) (दूरभाष सं.-23711323) कमरा सं. 403, परिवहन-भवन, नई दिल्ली-110001 को एतद्द्वारा, अंतर्देशीय जल-परिवहन और पोत-परिवहन और पोत-निर्माण तथा पोत-मरम्मत सहित पोत-परिवहन से संबंधित सभी मामलों में केन्द्रीय लोक-सूचना-अधिकारी के रूप में नामोदिष्ट करता है।

[फा. सं. आई-35019/3/2006-सूचना का अधिकार]

एस.एम. खन्ना, उप सचिव

New Delhi, the 19th April, 2006

S.O. 1689.— In Partial modification of S.O. 1484(E) dated 11th October, 2005 issued under File No. H-11020/2/2005-Estt. and in pursuance of Sub-Section (1) of Section 5 of the Right to Information Act, 2005 (22 of 2005), the Department of Shipping (Heaquarters), Ministry of Shipping, Road Transport & Highways hereby designates Shri Dinesh Kumar, Director (Shipping Development) [Tel No. 2371 1323] Room No. 403, Transport Bhavan, New Delhi-110001 as Central Public Information Officer (CPIO) for all matters concerning Shipping Wing including Inland Water Transport (IWT) and Shipbuilding and Ship repairs in place of Shri Pradeep Kumar, who has since relinquished his charge.

[F. No. I-35019/3/2006-RTI]

S.M. KHANNA, Dy. Secy.

नई दिल्ली, 26 अप्रैल, 2006

का.आ. 1690.—फाइल सं. एच-11020/2/2005-स्थापना के अंतर्गत जारी किए गए दिनांक 11 अक्तूबर; 2005 के का.आ. सं. 1484 (अ.) में आंशिक संशोधन करते हुए और सूचना का अधिकार- अधिनियम, 2005 (वर्ष, 2005 के अधिनियम सं. 22) की धारा 5 की उपधारा (1) के अनुसरण में, पोत-परिवहन, सड़क-परिवहन और राजमार्ग-मंत्रालय, पोत-परिवहन-विभाग (मुख्यालय), श्री बी. पोययामोजी, (निदेशक डिजाइन) के स्थान पर, श्री एस. एम. खन्ना, उप सचिव (समन्वय) (दूरभाष सं.-23719456) कमरा सं. 403, परिवहन-भवन, नई दिल्ली-110001 को एतद्द्वारा, पोत-परिवहन-विभाग के समन्वय-प्रभाग से संबंधित सभी मामलों में केन्द्रीय लोक-सूचना-अधिकारी के रूप में नामोद्दिष्ट करता है। श्री बी. पोययामोजी, विकास-स्कंध से संबंधित सभी मामलों के संबंध में, केन्द्रीय लोक-सूचना-अधिकारी के रूप में कार्य करते रहेंगे ।

[फा. सं. आई-35019/3/2006-सूचना का अधिकार]

एस. एम. खन्ना, उप सचिव

New Delhi, the 26th April, 2006

S.O. 1690.— In partial modification of S.O. 1484(E) dated 11th October, 2005 issued under File No. H-11020/2/2005-Estt. and in pursuance of sub-section (1) of Section 5 of the Right to Information Act, 2005 (22 of 2005), the Department of Shipping (Heaquarters), Ministry of Shipping, Road Transport & Highways hereby designates Shri S.M. Khanna, Dy. Secy. (Coordination) [Tel No. 23719456] Room No. 203, Transport Bhavan, New Delhi-110 001 as Central Public Information Officer (CPIO) for all matters concerning Coordination Division of the Department of Shipping in place of Shri B. Poiyaamozhi, Director (Designs) Shri B. Poiyaamozhi, will continue to work as Central Public Information Officer in respect of matter relating to Development Wing.

[F. No. I-35019/3/2006-RTI]

S.M. KHANNA, Dy. Secy.

विदेश मंत्रालय

(सी.पी.वी. डिवीजन)

नई दिल्ली, 3 अप्रैल, 2006

का.आ. 1691.—राजनयिक कौंसली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 (1948 का 49वां) की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्द्वारा, भारत का राजदूतावास, बगदाद में श्री देबाशीष रॉय चौधरी, सहायक को 03-04-2006 से सहायक कौंसली अधिकारी का कार्य करने हेतु प्राधिकृत करती है ।

[सं. टी-4330/01/2006]

एस. एन. वी. रामन्ना राव, अवर सचिव (कौंसुलर)

MINISTRY OF EXTERNAL AFFAIRS

(C.P.V. DIVISION)

New Delhi, the 3rd April, 2006

S.O. 1691.—In pursuance of clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby authorise Shri Debasis Roy Chowdhury, Assistant in the Embassy of India, Baghdad to perform the duties of Assistant Consular Officer with effect from 3rd April, 2006.

[No. T-4330/01/2006]

S.N.V. RAMANA RAO, Under. Secy. (Consular)

नई दिल्ली, 3 अप्रैल, 2006

का.आ. 1692.—राजनायिक कौंसली अधिकारी (शपथ एवं शुल्क) अधिनियम, 1948 (1948 का 49वां) की धारा 2 के अंक (क) के अनुसरण में केन्द्रीय सरकार एतद्द्वारा, भारत का प्रधान कौंसलावास हो चि मींन सिटी (वियतनाम) में श्रीमती अंजू मलिक, वैयक्तिक सहायक को 03-04-2006 से सहायक कौंसली अधिकारी का कार्य करने हेतु प्राधिकृत करती है ।

[सं. टी-4330/01/2006]

एस. एन. बी. रामन्ना राव, अपर सचिव (कौंसुलर)

New Delhi, the 3rd April, 2006

S.O. 1692.—In pursuance of clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby authorise Smt. Anju Malik, Personal Assistant in the Consulate General of India, Ho Chi Minh City (Vietnam) to perform the duties of Assistant Consular Officer with effect from 03-04-2006.

[No. T-4330/01/2006]

S.N.V. RAMANA RAO, Under. Secy. (Consular)

नागर विमानन मंत्रालय

आदेश

नई दिल्ली, 28 अप्रैल, 2006

का.आ. 1693.—वायुयान अधिनियम, 1934 (1934 का 22) के खण्ड 6 के उपखण्ड (1) के उपबंध (घ) में निहित शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार यह मानते हुए कि जन संरक्षा तथा प्रशान्ति के हित में, यह आवश्यक हो गया है कि यह आदेश तथा निर्देश दिए जाए कि कोई भी वायुयान प्रचालन के लिए नागर विमानन महानिदेशक द्वारा एक अनुसूचित अथवा गैर-अनुसूचित आपरेटर को अनुमति दी जाती है, विमान अपहरण की किसी भी घटना से निपटने के प्रयोजन के लिए, राष्ट्रीय सुरक्षा गार्ड को इस संबंध में किए गए मांग पर इसके बाद सुपुर्द किया जाएगा।

इसके अतिरिक्त, खण्ड 6 के उपखण्ड (2) में निहित शक्तियों का प्रयोग करते हुए, केन्द्र सरकार एतद्द्वारा नागर विमानन महानिदेशक को राष्ट्रीय सुरक्षा गार्ड द्वारा मांग करने पर लिए गए विमान के आपरेटर को दिए जाने वाले मुआवजे के निर्धारण के लिए प्राधिकारी के रूप में नियुक्त करती है ।

[सं. एवी-13024/001/2006-एसएस]

शारदा अली खान, उप सचिव

MINISTRY OF CIVIL AVIATION

ORDER

New Delhi, the 28th April, 2006

S.O. 1693.—In exercise of the powers conferred by clause (d) of sub-section (1) of Section 6 of the Aircraft Act, 1934 (22 of 1934), the Central Government being of the opinion that in the interest of public safety and tranquility, it is expedient to order and direct that any aircraft, for the

operation of which a permit is granted to a scheduled or non-scheduled operator by the Director General of Civil Aviation, shall be delivered forthwith on a requisition made in this behalf, to the National Security Guard for the purpose of dealing with any incident of aircraft hijacking;

Further, in exercixse of the power conferred by sub-section (2) of Section 6, the Central Government hereby appoints the Director General of Civil Aviation as the Authority to determine the compensation payable to the operator whose aircraft has been requisitioned by the National Security Guard.

[No. AV-13024/001/2006-SS]

SARADA ALI KHAN, Dy. Secy.

स्वास्थ्य एवं परिवार कल्याण मंत्रालय

नई दिल्ली, 21 अप्रैल, 2006

का0आ0 1694.—स्नातकोत्तर चिकित्सा शिक्षा एवं अनुसंधान संस्थान, चंडीगढ़ अधिनियम, 1966 (1966 का 51) की धारा 5 के खण्ड (छ) के अनुसरण में श्री सुखदेव सिंह ढींढसा तथा श्रीमती प्रणीत कौर, लोक सभा के सदस्यों को स्नातकोत्तर चिकित्सा शिक्षा एवं अनुसंधान संस्थान, चंडीगढ़ अधिनियम, 1966 के उपबंधों के पालन के अध्यधीन 9 दिसम्बर, 2008 तक श्री पवन कुमार बंसल तथा श्री सुरेश चंदेल के स्थान पर स्नातकोत्तर चिकित्सा शिक्षा एवं अनुसंधान संस्थान, चंडीगढ़ के सदस्यों के रूप में कार्य करने के लिए लोक सभा द्वारा 22 मार्च, 2006 को विधिवत रूप से निर्वाचित किया गया है।

[सं. वी. 17011/1/2006-एम ई-II(i)]

डॉ. विनायक एम. प्रसाद, निदेशक

MINISTRY OF HEALTH AND FAMILY WELFARE

New Delhi, the 21st April, 2006

S.O. 1694.—In pursuance of clause (g) of Section 5 of the Post-Graduate Institute of Medical Education and Research, Chandigarh Act 1966 (51 of 1966) Shri Sukhdev Singh Dhindsa and Smt. Preneet Kaur, Members of Lok Sabha (House of People) have been duly elected on 22nd March, 2006 by the Lok Sabha to serve as members of the Post-Graduate Institute of Medical Education and Research, Chandigarh vice Shri Pawan Kumar Bansal and Shri Suresh Chandel upto 9th December, 2008 subject to the fulfilment of the provisions of the Post-Graduate Institute of Medical Education and Research, Chandigarh Act, 1966.

[No. V-17011/1/2006-M.E.-II (i)]

Dr. VINAYAK M. PRASAD, Director

(स्वास्थ्य विभाग)

नई दिल्ली, 21 अप्रैल, 2006

का0आ0 1695.—स्नातकोत्तर चिकित्सा शिक्षा एवं अनुसंधान संस्थान, अधिनियम, 1966 (1966 का 51) की धारा 5 के खण्ड (छ) के अनुसरण में श्रीमती अम्बिका सोनी, जो केन्द्रीय मंत्री परिषद् में शामिल कर लिए जाने के बाद संस्थान के निकाय की सदस्य नहीं रह गई, के शेष कार्यकाल के लिए श्रीमती सुखबंस कौर, सदस्य, राज्य सभा को 22-3-2006 को राज्य सभा द्वारा स्नातकोत्तर चिकित्सा शिक्षा एवं अनुसंधान संस्थान, चंडीगढ़ के एक सदस्य के रूप में सेवा करने हेतु विधिवत रूप से निर्वाचित किया गया है बशर्ते कि वह स्नातकोत्तर चिकित्सा शिक्षा एवं अनुसंधान संस्थान, चंडीगढ़ अधिनियम, 1966 के उपबंधों का पालन करती हों।

[सं. वी-17011/1/2006-एम. ई.-II(ii)]

डॉ. विनायक एम. प्रसाद, निदेशक

(Department of Health)

New Delhi, the 21st April, 2006

S.O. 1695.—In pursuance of clause (g) of Section 5 of the Post-Graduate Institute of Medical Education and Research, Chandigarh Act 1966 (51 of 1966) Smt. Sukhbuns Kaur, Member, Rajya Sabha has been duly elected on 22-3-2006 by the Rajya Sabha to serve as Member of Post-Graduate Institute of Medical Education and Research, Chandigarh for the remainder term of Smt. Ambika Soni, who ceased to be a member of the Institute Body after her induction into Union Council of Ministers subject to the fulfilment of the provisions of Post-Graduate Institute of Medical Education and Research, Chandigarh Act, 1966.

[No. V-17011/1/2006-M.E.-II (ii)]

Dr. VINAYAK M. PRASAD, Director

वस्त्र मंत्रालय

नई दिल्ली, 26 अप्रैल, 2006

का0आ0 1696.—केन्द्रीय रेशम बोर्ड अधिनियम, 1948 (1948 का 61) की धारा 6 की उपधारा (1) के साथ पठित धारा 4 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, एतद्द्वारा उक्त अधिनियम के प्रावधानों के अध्यधीन इस अधिसूचना की तिथि से तीन वर्षों की अवधि के लिए केन्द्रीय रेशम बोर्ड के सदस्य के रूप में कार्य करने के लिए निम्नलिखित व्यक्ति का नामांकन अधिसूचित करती है।

श्री भूपेन्द्र सिंह, संयुक्त सचिव, वस्त्र मंत्रालय, भारत सरकार	उपर्युक्त अधिनियम की धारा 4(3)(ख) के अंतर्गत केंद्र सरकार द्वारा श्री बंसत प्रताप सिंह के स्थान पर नामित

श्री भूपेन्द्र सिंह, संयुक्त सचिव, को केन्द्रीय रेशम बोर्ड का उपाध्यक्ष भी नियुक्त किया जाता है।

[फा. सं. 25012/56/99-रेशम]

ए. एन. शरन, निदेशक

MINISTRY OF TEXTILES

New Delhi, the 26th April, 2006

S.O. 1696.—In exercise of powers conferred by sub-section (3) of Section 4, read with sub-section (1) of Section 6 of the Central Silk Board Act, 1948 (61 of 1948), the Central Government hereby notifies the nomination of the following person to serve as member of the Central Silk Board for a period of three years from the date of this notification subject to the provisions of the said Act.

Shri Bhupendra Singh Joint Secretary, Ministry of Textiles, Government of India.	Nominated by the Central Government under Section 4(3)(b) of the Act, Vice Shri Basant Pratap Singh.

Shri Bhupendra Singh, Joint Secretary, is also appointed as the Vice-Chairman of the Central Silk Board.

[F. No. V-25012/56/99-Silk]

A. N. SHARAN, Director

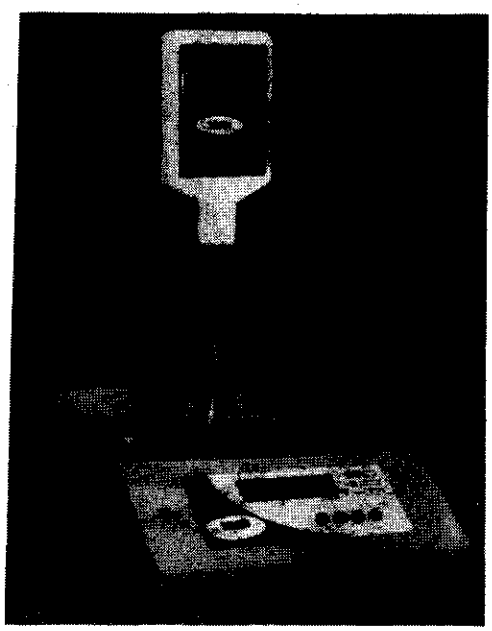
उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

नई दिल्ली, 10 अप्रैल, 2006

का.आ. 1697.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत:, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स शान इलैक्ट्रॉनिक एंड सिस्टम्स, एस एफ सं. 104, सुपरगार्डन पी एन पुदुर पोस्ट, कोयम्बतूर, 641041, तमिलनाडु द्वारा निर्मित मध्यम (यथार्थता वर्ग-III) वाले "एस ई एस टी बी" श्रृंखला के अंकक सूचन सहित, अस्वचालित, तोलन उपकरण (टेबलटोप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "स्मार्ट" है (जिसे उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/05/615 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (टेबल टोप प्रकार का) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टांपिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1 $\times 10^{k}$, 2 $\times 10^{k}$ या 5 $\times 10^{k}$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू एम21 (352)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

1215GI/06-2

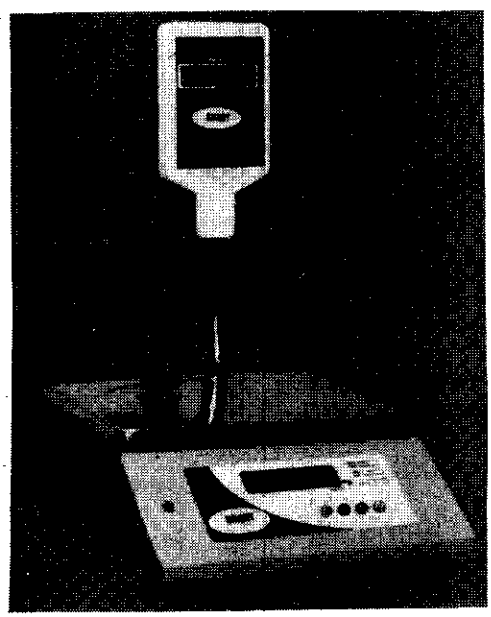
MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTIONS

(Department of Consumer Affairs)

New Delhi, the 10th April, 2006

S.O. 1697.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of "SES-TB" series of medium accuracy (Accuracy class-III) and with brand name "SMART" (hereinafter referred to as the said Model), manufactured by M/s. Shan Electronics & System, S.F. 104, Super Garden, P.N. Pudur Post, Coimbatore-641041, Tamil Nadu and which is assigned the approval mark IND/09/05/615;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 5 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g. or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

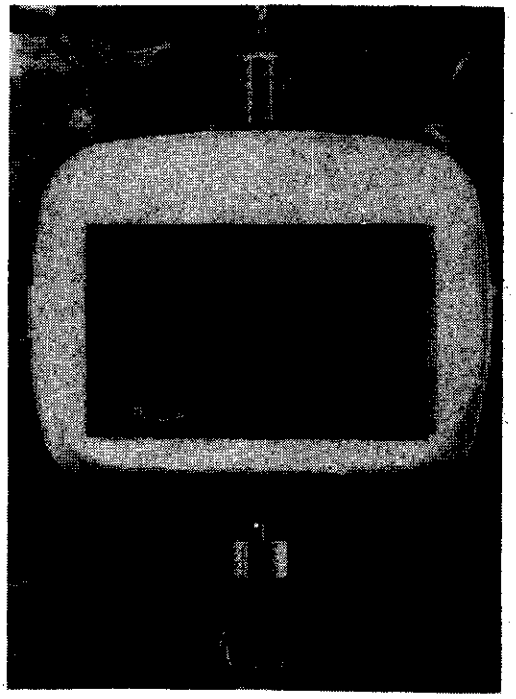
[F. No. WM-21(352)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 10 अप्रैल, 2006

का.आ. 1698.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स शान इलैक्ट्रॉनिक एंड सिस्टम्स, एस एफ सं. 104, सुपरगॉर्डन पी एन पुदुर पोस्ट, कोयम्बतूर, 641041, तमिलनाडु द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एस ई एस एच एस" शृंखला के अंकक सूचन सहित, अस्वचालित, तोलन उपकरण (लटकने वाले प्रकार) के मॉडल का, जिसके ब्रांड का नाम "स्मार्ट" है (जिसे उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/05/616 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित (लटकने वाला प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 100 कि. ग्रा. और न्यूनतम क्षमता 400 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 20 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 300 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1 $\times 10^{क}$, 2 $\times 10^{क}$ या 5 $\times 10^{क}$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू एम-21(352)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 10th April, 2006

S.O. 1698.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Hanging type) with digital indication of "SES-HS" series of medium accuracy (Accuracy class-III) and with brand name "SMART" (hereinafter referred to as the said Model), manufactured by M/s. Shan Electronics & System, S.F. No. 104, Super Garden, P.N. Pudur Post, Coimbatore-641041, Tamil Nadu and which is assigned the approval mark IND/09/05/616;

The said Model is a strain gauge type load cell based non-automatic weighing instrument (Hanging type) with a maximum capacity of 100 kg. and minimum capacity of 400g. The verification scale interval (e) is 20g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity 50 kg. and upto 300kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

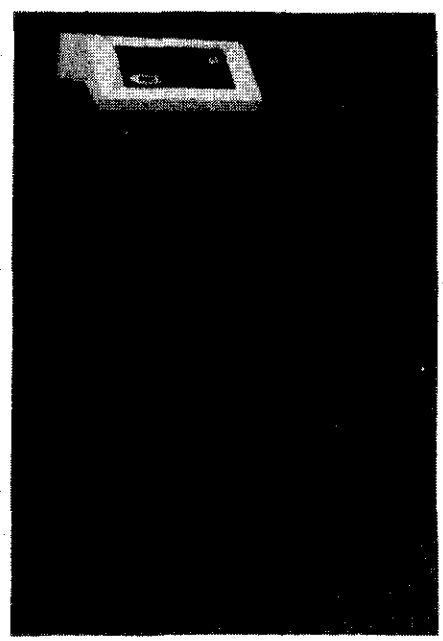
[F. No. WM-21(352)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 10 अप्रैल, 2006

का.आ. 1699.– केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप् मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स शान इलैक्ट्रानिक एंड सिस्टम्स, एस एफ सं. 104, सुपरगार्डन पी एन पुदुर पोस्ट, कोयम्बतूर-641041, तमिलनाडु द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एस ई एस पी टी" शृंखला के अंकक सूचन सहित, अस्वचालित, तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "स्मार्ट" है (जिसे उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/05/617 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गैज प्रकार का लोड सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि. ग्रा. और न्यूनतम क्षमता 4 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टॉपिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के बैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1 $\times 10^{k}$, 2 $\times 10^{k}$ या 5 $\times 10^{k}$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

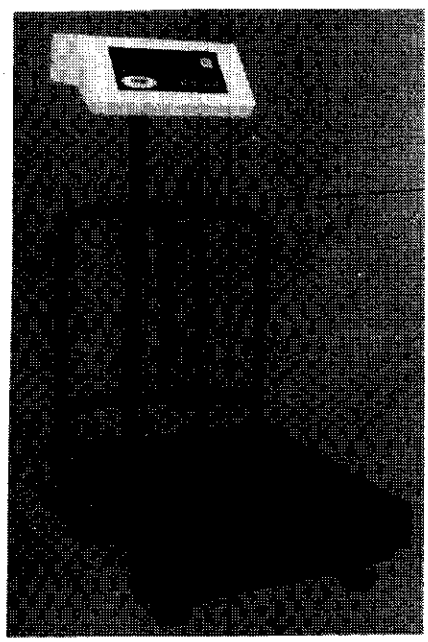
[फा. सं. डब्ल्यू एम-21(352)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 10th April, 2006

S.O. 1699.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instruments (Platform type) with digital indication of "SES-PT" series of medium accuracy (Accuracy class-III) and with brand name "SMART" (hereinafter referred to as the said Model), manufactured by M/s. Shan Electronics & System, S.F. No. 104, Super Garden, P.N. Pudur Post, Coimbatore-641041, Tamil Nadu and which is assigned the approval mark IND/09/05/617;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 kg. and minimum capacity of 4kg. The verification scale interval (e) is 200g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and up to 5000kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

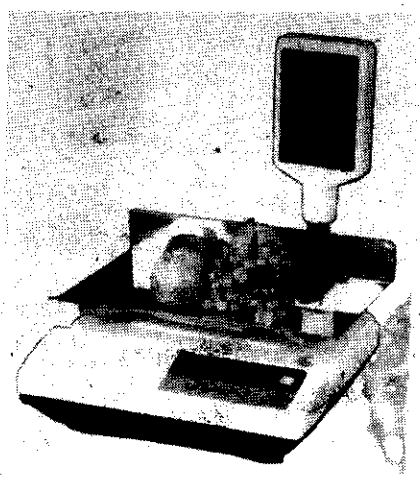
[F. No. WM-21(352)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 10 अप्रैल, 2006

का.आ. 1700.– केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स वायंद स्केल सर्विसेज नं. 10/594, मेन रोड, काकोदी, कोजिकोड, केरल-673611 द्वारा विनिर्मित मध्यम (यथार्थता वर्ग-II) वाले "अरहंट" शृंखला के अंकक सूचन सहित, अस्वचालित, तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "अरेव्य" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/05/826 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल (नीचे दी गई आकृति देखें) विकृति गैज प्रकार का अस्वचालित भार सेल आधारित तोलन (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि. ग्रा. है और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, ए सी 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टांपिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के तोलन उपकरण भी होंगे जो 1-50 मि. ग्रा. "ई" मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1 $\times 10^{k}$, 2 $\times 10^{k}$ या 5 $\times 10^{k}$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

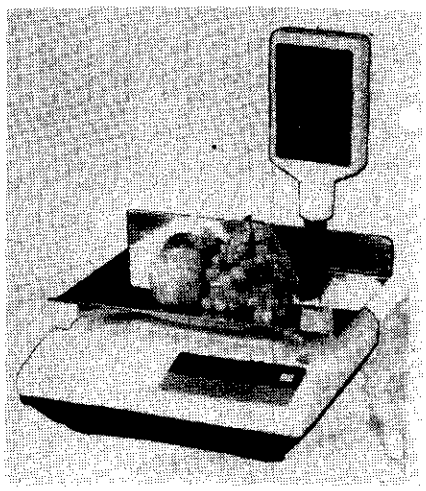
[फा. सं. डब्ल्यू एम-21(242)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 10th April, 2006

S.O. 1700.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of "ARHT" series of high accuracy (Accuracy class-II) and with brand name "AREVY" (hereinafter referred to as the said model), manufactured by M/s. Wayand Scale Services, No. 10/594, Main Road, Kakodi, Kozhikod, Kerala-673 611 and which is assigned the approval mark IND/09/05/826;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers sconferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50mg and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

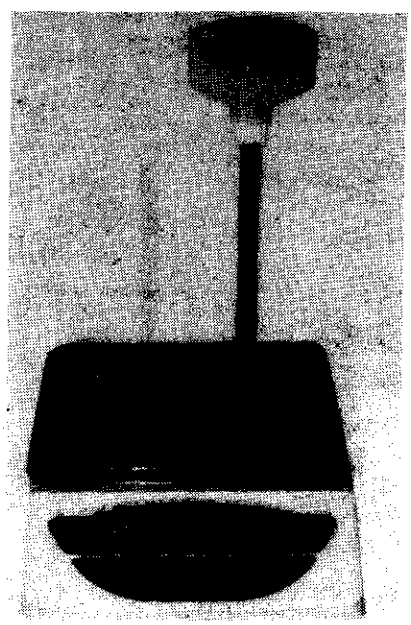
[F. No. WM-21(242)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 10 अप्रैल, 2006

का.आ. 1701.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स वायंद स्केल सर्विसेज, नं. 10/594, मेन रोड, काकोदी, कोजिकोड, केरल-673611 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "ए आर टी" शृंखला के अंकक सूचन सहित, अस्वचालित, तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "अरेव्य" है (जिसे इसमें इसके पश्चात् उक्त माडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/05/827 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल (नीचे दी गई आकृति देखें) विकृति गैज प्रकार का अस्वचालित भार सेल आधारित तोलन (टेबल टॉप प्रकार) उपकरण है। इसकी अधिकतम क्षमता 30 कि. ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट एसी, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टांपिंग प्लेट के सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और 5 ग्रा. या इससे अधिक "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित "ई" मान 1×10^{k}, 2×10^{k} या 5×10^{k}, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम-21(242)/2004]

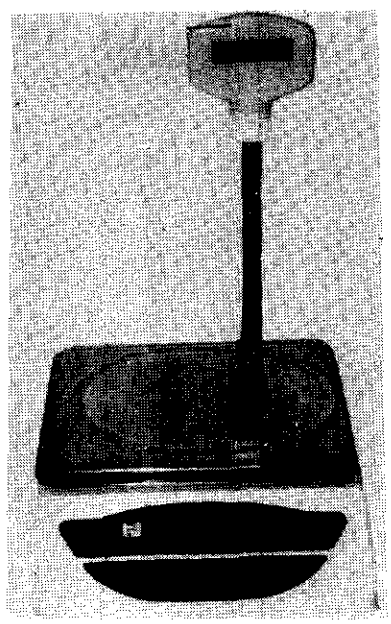
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

12156I/06—3

New Delhi, the 10th April, 2006

S.O. 1701.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instruments (Table top type) with digital indication of "ART" series of medium accuracy (Accuracy class-III) and with brand name "AREVY" (hereinafter referred to as the said model), manufactured by M/s. Wayand Scale Services, No. 10/594, Main Road, Kakodi, Kozhikod, Kerala-673 611 and which is assigned the approval mark IND/09/05/827;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

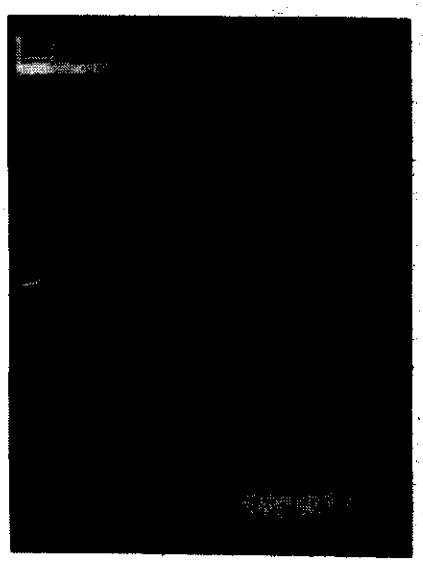
[F. No. WM-21(242)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 10 अप्रैल, 2006

का.आ. 1702.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा।

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स वायंद स्केल सर्विसेज नं. 10/594, मेन रोड, काकोदी, कोजिकोड, केरल-673611 द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले "ए आर एच पी" शृंखला के अंकक सूचन सहित, अस्वचालित, तोलन उपकरण (प्लेट फार्म प्रकार) के माडल का, जिसके ब्रांड का नाम "अरेव्य" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/05/828 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल (नीचे दी गई आकृति देखें) विकृति गैज प्रकार का अस्वचालित भार सेल आधारित अस्वचालित तोलन (प्लेट फार्म प्रकार) उपकरण है। इसकी अधिकतम क्षमता 600 कि.ग्रा. और न्यूनतम क्षमता 2.5 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट ए सी 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टांपिंग प्लेट के सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के तोलन उपकरण भी होंगे जो 100 ग्रा. या उससे अधिक के 'ई' मान के लिए 500 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 से अधिक एवं 1000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित "ई" मान 1×10^{k}, 2×10^{k} या 5×10^{k}, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

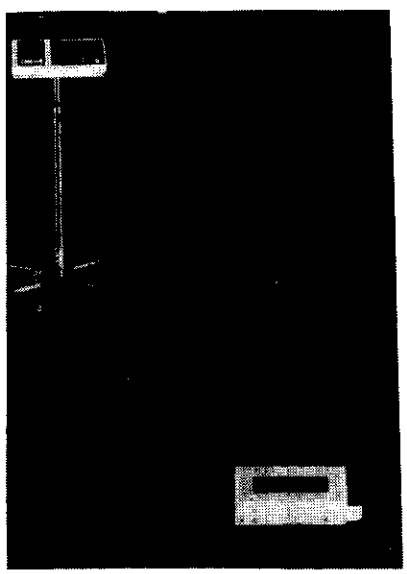
[फा. सं. डब्ल्यू एम-21(242)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 10th April, 2006

S.O. 1702.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of "ARHP" series of high accuracy (Accuracy class-II) and with brand name "AREVY" (hereinafter referred to as the said model), manufactured by M/s. Wayand Scale Services, No. 10/594, Main Road, Kakodi, Kozhikod, Kerala-673 611 and which is assigned the approval mark IND/09/05/828;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 600 kg. and minimum capacity of 2.5 kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg and up to 1000kg with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

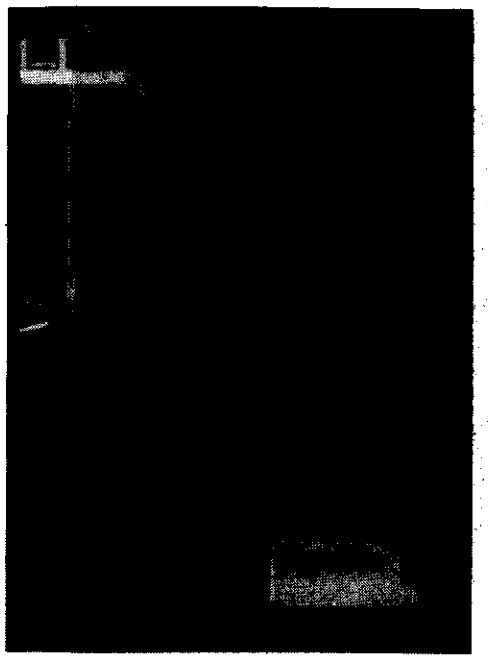
[F. No. WM-21(242)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 10 अप्रैल, 2006

का.आ. 1703.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा।

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स वायंद स्केल सर्विसेज नं. 10/594, मेन रोड, काकोदी, कोजिकोड, केरल-673611 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "ए आर पी" शृंखला के अंकक सूचन सहित, अस्वचालित, तोलन उपकरण (प्लेट फार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "अरेव्य" है (जिसे उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/05/829 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल (ऊपर दी गई आकृति देखें) विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित तोलन (प्लेट फार्म प्रकार) उपकरण है। इसकी अधिकतम क्षमता 500 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के 'ई' मान के लिए 50 कि.ग्रा. से 1000 कि.ग्रा. तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित तक की अधिकतम क्षमता वाले हैं और 5 ग्रा. या उसे अधिक के 'ई' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित "ई" मान 1×10^{k}, 2×10^{k} या 5×10^{k} के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

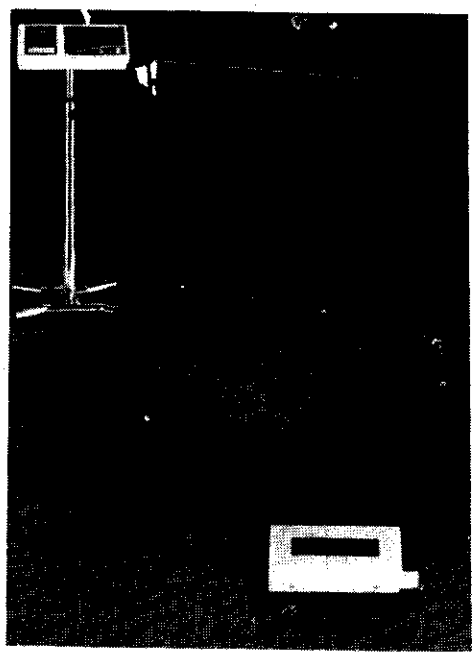
[फा. सं. डब्ल्यू एम-21 (242)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 10th April, 2006

S.O. 1703.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instruments (Platform type) with digital indication of "ARP" series of medium accuracy (Accuracy class-III) and with brand name "AREVY" (hereinafter referred to as the said model), manufactured by M/s. Wayand Scale Services, No. 10/594, Main Road, Kakodi, Kozhikod, Kerala-673 611 and which is assigned the approval mark IND/09/05/829;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 500 kg. and minimum capacity of 2 kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg and up to 1000kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(242)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 10 अप्रैल, 2006

का. आ. 1704.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा।

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स नारायण ब्रदर्स, 23, फाउंडरी नगर, हाथरस रोड, आगरा-282006, लखनऊ द्वारा विनिर्मित काउण्टर मशीन के मॉडल का, जिसके ब्राण्ड का नाम "टाइटन" है (जिसे इसमें इसको उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/04/207 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक काउण्टर मशीन है। इसकी अधिकतम क्षमता 10 कि.ग्रा. है।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के काउण्टर मशीन भी होंगी जो 500 ग्रा. से 50 कि.ग्रा. तक की रेंज की अधिकतम क्षमता वाले हैं।

[फा. सं. डब्ल्यू एम-21 (122)/2004]

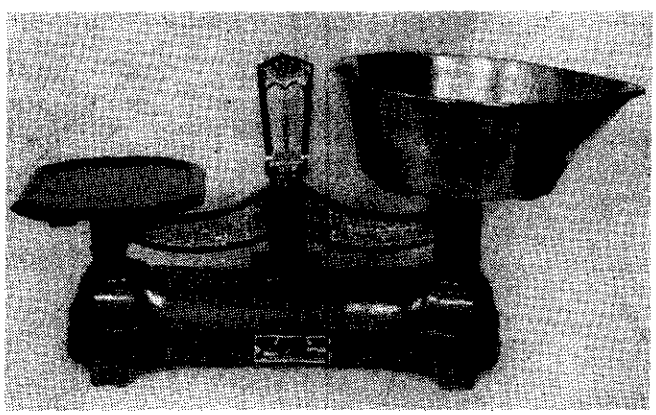
पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 10th April, 2006

S.O. 1704.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the models described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of counter machine (hereinafter referred to as the said model), with brand name 'TITAN' manufactured by M/s Narayan Brothers, 23, Foundary Nagar, Hathras Road, Agra-282006, Lucknow, Uttar Pradesh and which is assigned the approval mark IND/09/04/207;

The said model (see the figure given below) is a counter machine with maximum capacity of 10kg.



Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the Counter Machine of similar make, accuracy and performance of same series with maximum capacity in the range of 500g. to 50kg., manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

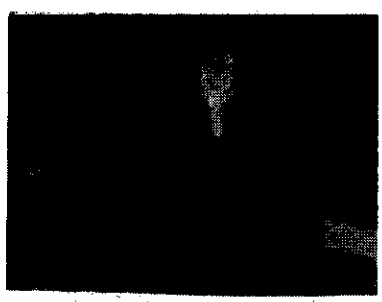
[F. No. WM-21(122)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 10 अप्रैल, 2006

का0 आ0. 1705.- केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत:, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इन्टेक, 8 कोड़ीची ककनहलमी बान्नरघाट्टा मेन रोड, अपोजिट हुआ एन्क्लेव, बैंगलोर, कर्नाटक–560076, द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "बी डी –टी बी" शृंखला के अंकक सूचन सहित, अस्वचालित, तोलन उपकरण (टेबलटोप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "डालफिन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/05/296 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृत गैज प्रकार का भार सैल आधारित (टेबलटॉप प्रकार का) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टांपिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का विनिर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k} या 5×10^{k} के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू एम 21(288)/2004]

पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

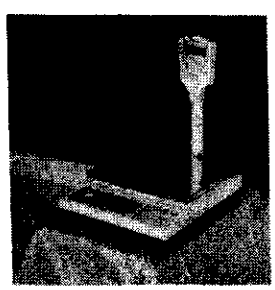
12159/06-4

New Delhi, the 10th April, 2006

S.O. 1705.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instruments (Table top type) with digital indication of "BD-TB" series of medium accuracy (Accuracy class-III) and with brand name "DOLPHIN" (hereinafter referred to as the said model), manufactured by M/s. Intech, 8-U, Kodichikkanahalli, Bannerghatta Main Road, Opposite Duo Enclave, Bangalore-560 076, Karnataka and which is assigned the approval mark IND/09/05/296;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

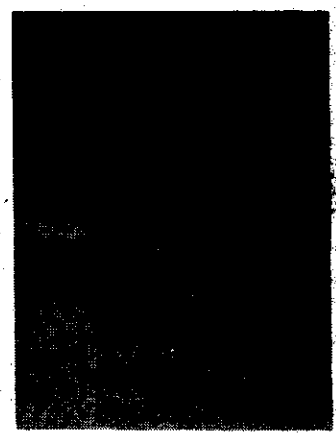
[F. No. WM-21(288)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 10 अप्रैल, 2006

का. आ. 1706.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः,अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स इन्टेक, 8-यू, कोडीची ककनहलमी बान्नरघाटा मेन रोड, अपोजिट दुओ एन्कलेव, बैंगलोर, कर्नाटक–560076, द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "बी डी –पी टी" शृंखला के अंकक सूचन सहित, अस्वचालित, तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "डालफिन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/05/297 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गैज प्रकार का भार सैल आधारित (टेबलटॉप प्रकार का) अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. है और न्यूनतम क्षमता 4 किलो ग्रा. है। सत्यापन मापमान अन्तराल (ई) 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टॉपिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा।

और, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से विनिर्मित उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 किलो ग्राम से अधिक और 5000 किलो ग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^k, 2×10^k या 5×10^k, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

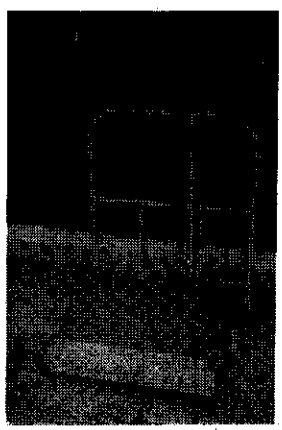
[फा. सं. डब्ल्यू एम 21(288)/2004]

पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 10th April, 2006

S.O. 1706.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act; 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instruments (Platform type) with digital indication of "BD-PT" series of medium accuracy (Accuracy class-III) and with brand name "DOLPHIN" (hereinafter referred to as the said model), manufactured by M/s. Intech, 8-U, Kodichikkanahalli, Bannerghatta Main Road, Opposite Duo Enclave, Bangalore-560 076, Karnataka and which is assigned the approval mark IND/09/05/297;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 kg. and minimum capacity of 4kg. The verification scale interval (e) is 200g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. and up to 5000kg. with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(288)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 10 अप्रैल, 2006

का. आ. 1707.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सिमेम इंडिया प्राइवेट लिमिटेड, रोड नं. 1, नं. 190-191, कुन्देम इंडस्ट्रियल एस्टेट, पोण्डा, गोवा-403115, द्वारा विनिर्मित (यथार्थता वर्ग-I) वाले "पैक्डीस रैडलिओन" श्रृंखला के अंकक सूचन सहित, असंतत योगमापी तोलन उपकरण (योगमापी हौपर वेहयर-बैचिंग सिस्टम) के मॉडल का, जिसके ब्रांड का नाम "सिमैम" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2005/923 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृत गेज प्रकार का भार सैल आधारित अस्वचालित (योगमापी हौपर वेहयर-बैचिंग सिस्टम) तोलन उपकरण है। इसकी अधिकतम क्षमता 2500 कि.ग्रा. और न्यूनतम क्षमता 400 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) 2 कि. ग्रा. है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टॉपिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 किलो ग्राम से 5000 किलो ग्राम तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^{*}$, $2 \times 10^{*}$ या $5 \times 10^{*}$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है ।

[फा. सं0 डब्ल्यू एम-21(246)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 10th April, 2006

S.O. 1707 .—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby publishes the certificate of approval of the model of Discontinuous Totalizing Weighing Instrument (Totalizing Hopper Weigher-Batching System) with digital indication (herein referred to as the said Model) belonging to accuracy class-I and "Pax-Redlion" series with brand name "SIMEM", manufactured by M/s. Simem India Pvt. Ltd., Shed No. 1, No. 190-191, Kundaim Industrial Estate, Ponda, Goa-403 115 and which is assigned the approval mark IND/09/2005/923;

The said model (see the figure given below) is a strain gauge type load cell based Discontinuous Totalizing Weighing Instrument (Totalizing Hopper Weigher-Batching System) maximum capacity 2500 kg. minimum capacity 400 kg. The value of verification scale interval 'e' is 2 kg. The display unit is of light emitting diode (LED) type. The instruments operates on 230V, 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing is also done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of the said section the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity in the range of 100 kg. to 5000kg. and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k being a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved model has been manufactured.

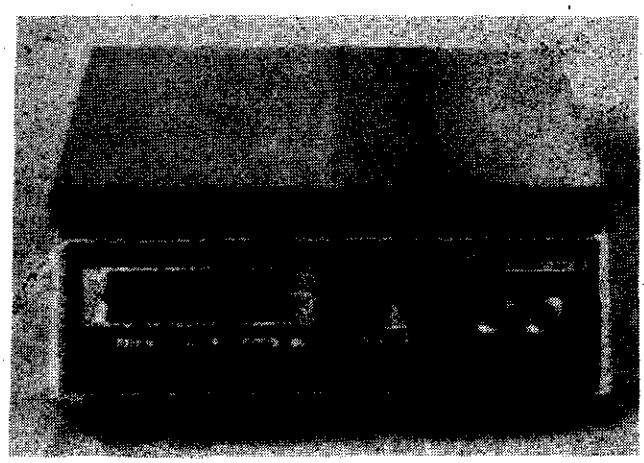
[F. No. WM-21(246)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 10 अप्रैल, 2006

का. आ. 1708.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स ट्रूवैल्यू इन्स्ट्रूमेंट्स प्राइवेट लिमिटेड, लोअर भू तल, समरूद्धी, ओल्ड कोर्ट के सामने, निकट सत्तर तालुका सोसायटी, अहमदाबाद-380 014 द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "ए टी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "एट्रो" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/06/01 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गैज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार का) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है ।

स्टॉपिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट, डायग्राम, निष्पादन सिद्धान्त आदि की शर्तों पर परिवर्तित/परिवर्धित नहीं किया जाएगा ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित माडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि. ग्रा. तक "ई" मान के लिए 100 से 5,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 5,000 से 50,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k} या 5×10^{k}, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

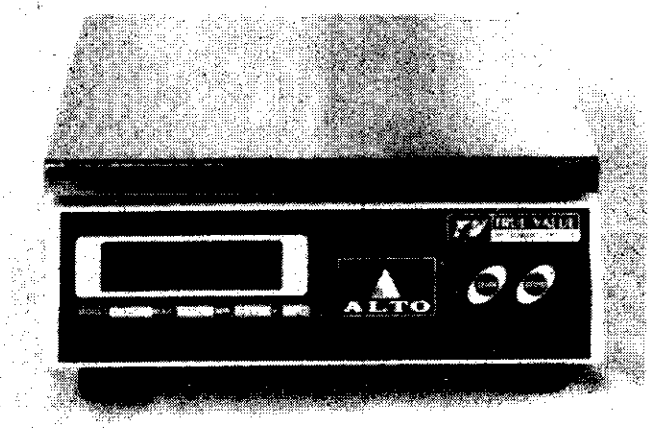
[फा. सं. डब्ल्यू एम-21(16)/2001]

पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, 10th April, 2006

S.O. 1708.—Whereas the Central Government, after considering the report submitted to it by prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of series "A-T" and of high accuracy (Accuracy class-II) with brand name "ALTO" (hereinafter referred to as the said model), manufactured by M/s. True Value Instruments Private Limited, Lower Ground Floor, Samrudhi, Opposite Old High Court, Near Satter Taluka Society, Ahmedabad-380 014, Gujarat and which is assigned the approval mark IND/09/06/01;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 2 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg. to 50mg. and with verification scale interval (n) in the range of 5,000 to 50,000 for 'e' value of 100 mg. or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

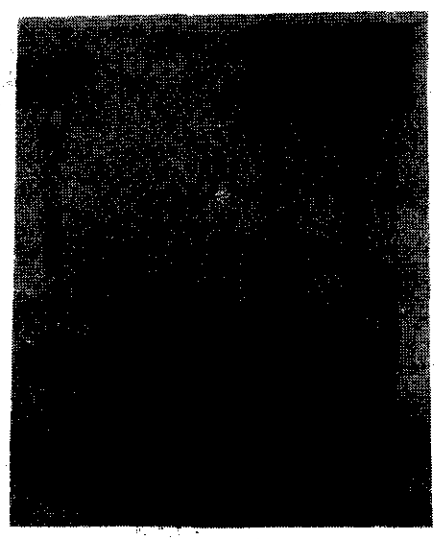
[F. No. WM-21(16)/2001]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 10 अप्रैल, 2006

का. आ. 1709.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स टू वैल्यू इन्स्ट्रूमेंट्स प्राइवेट लिमिटेड, लोअर भू तल, समरूद्धी, ओल्ड कोर्ट के सामने, निकट सत्तर तालुका सोसायटी, अहमदाबाद-380 014 द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "ए-टी डी" शृंखला के अंकक सूचन सहित, अस्वचालित, तोलन उपकरण (टेबल टाप प्रकार) के माडल का, जिसके ब्रांड का नाम "एल्ट्रो" है (जिसे इसमें इसके पश्चात् उक्त माडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/06/02 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृति गैज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (टेबल टाप प्रकार का) है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टांपिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और माडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट, डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित/परिवर्धित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त माडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित माडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^{*}$, $2 \times 10^{*}$ या $5 \times 10^{*}$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

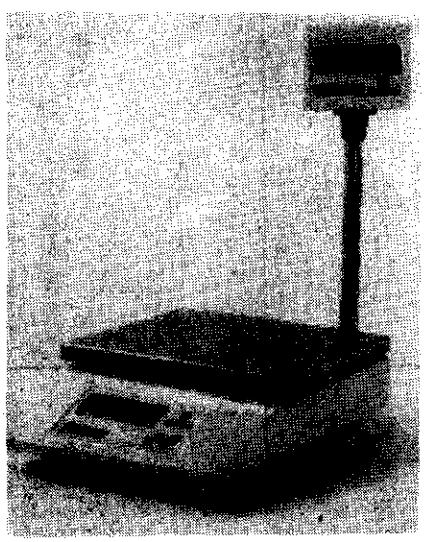
[फा. सं. डब्ल्यू एम-21(16)/2001]

पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, 10th April, 2006

S.O. 1709.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of series "A-TD" and of medium accuracy (Accuracy class-III) with brand name "ALTO" (hereinafter referred to as the said model), manufactured by M/s. True Value Instruments Private Limited, Lower Ground Floor, Samruddi, Opposite Old High Court, Near Satter Taluka Society, Ahmedabad-380 014, Gujarat and which is assigned the approval mark IND/09/06/02;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100g. The verification scale interval (e) is 5 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

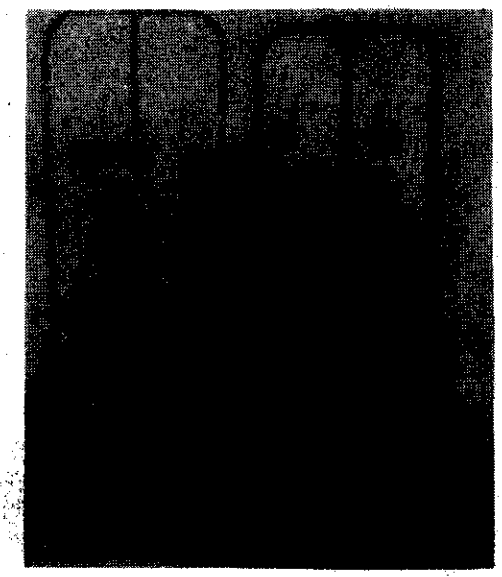
[F. No. WM-21(16)/2001]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 10 अप्रैल, 2006

का. आ. 1710.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स टू वैल्यू इन्स्ट्रूमेंट्स प्राइवेट लिमिटेड, लोअर भूतल, समरूद्धी, ओल्ड कोर्ट के सामने, निकट सत्तर तालुका सोसायटी, अहमदाबाद-380 014 द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "ए पी एफ" शृंखला के अंकक सूचन सहित, अस्वचालित, तोलन उपकरण (प्लेटफार्म प्रकार) के माडल का, जिसके ब्रांड का नाम "एल्ट्रो" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/06/03 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गैज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार का) है। इसकी अधिकतम क्षमता 50 कि.ग्रा. और न्यूनतम क्षमता 200 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 10 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट, डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित/परिवर्धित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित माडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक के रेंज में सत्यापन मान सहित 50 कि.ग्रा. से 150 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1 $\times 10^{*}$, 2 $\times 10^{*}$ या 5 $\times 10^{*}$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

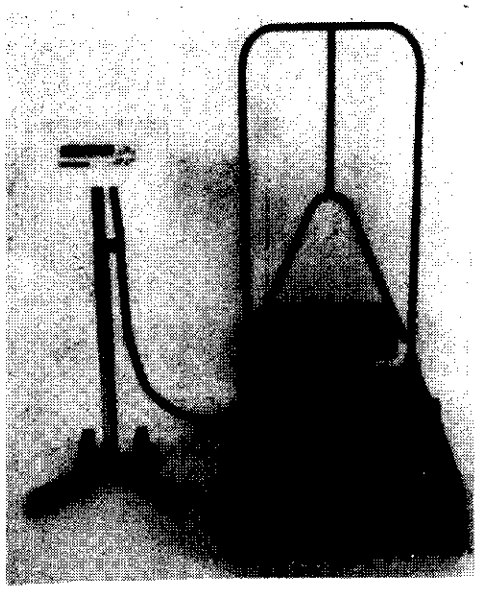
[फा. सं. डब्ल्यू एम-21(16)/2001]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, 10th April, 2006

S.O. 1710.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instruments (Platform type) with digital indication of series "A-PF" and of medium accuracy (Accuracy class-III) with brand name "ALTO" (hereinafter referred to as the said model), manufactured by M/s. True Value Instruments Private Limited, Lower Ground Floor, Samruddhi, Opposite Old High Court, Near Satter Taluka Society, Ahmedbad-380 014, Gujarat and which is assigned the approval mark IND/09/06/03;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 50 kg. and minimum capacity of 200g. The verification scale interval (e) is 10 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg and up to 150 kg with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

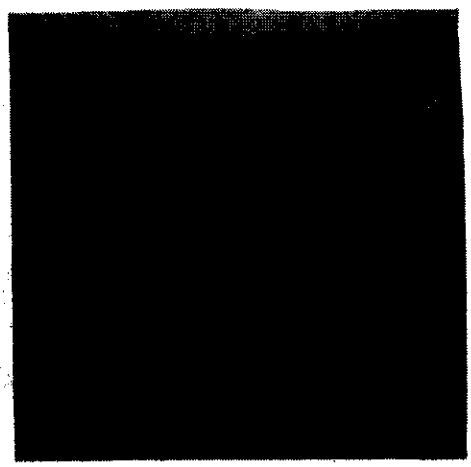
[F. No. WM-21(16)/2001]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 10 अप्रैल, 2006

का. आ. 1711.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स टू वैल्यू इन्स्ट्रूमेंट्स प्राइवेट लिमिटेड, लोअर भू तल, समरूद्धी, ओल्ड कोर्ट के सामने, निकट सत्तर तालुका सोसायटी, अहमदाबाद-380 014 द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "ए-सी के" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म मशीन हेतु कन्वर्शन किट प्रकार) के माडल का, जिसके ब्रांड का नाम "एल्ट्रो" है (जिसे इसमें इसके पश्चात् उक्त माडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/06/04 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गैज प्रकार का लोड सेल आधारित अस्वचालित (प्लेटफार्म के लिए कनवर्शन क्विट प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 300 कि.ग्रा. और न्यूनतम क्षमता 1 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टांपिंग प्लेट की सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट, डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित/परिवर्धित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त माडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित माडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5.ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. से 1000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k} या 5×10^{k}, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

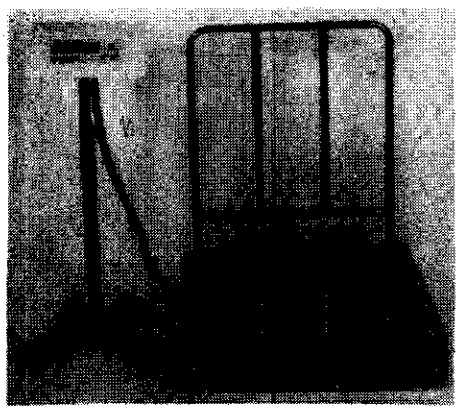
[फा. सं. डब्ल्यू एम-21(16)/2001]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, 10th April, 2006

S.O. 1711.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instruments (Conversion Kit for Platform Machine) with digital indication of series "A-CK" and of medium accuracy (Accuracy class-III) with brand name "ALTO" (hereinafter referred to as the said Model), manufactured by M/s. True Value Instruments Private Limited, Lower Ground Floor, Samrudhi, Opposite Old High Court, Near Satter Taluka Society, Ahmedabad-380 014, Gujarat and which is assigned the approval mark IND/09/06/04;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Conversion Kit for Plateform machine) with a maximum capacity of 300 kg. and minimum capacity of 1kg. The verification scale interval (e) is 50 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg and up to 1000 kg. With verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5mg more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

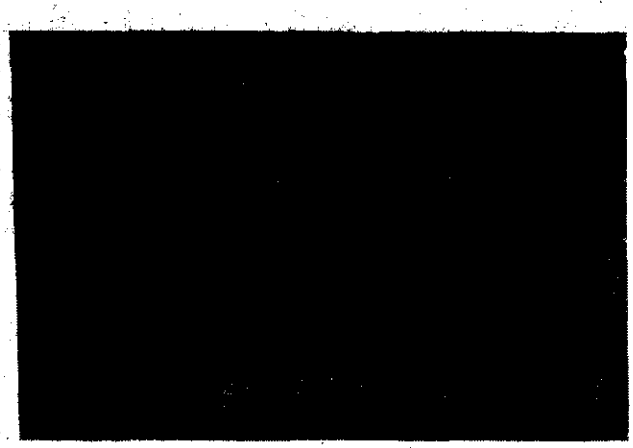
[F. No. WM-21(16)/2001]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 10 अप्रैल, 2006

का. आ. 1712.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स टू वैल्यू इन्स्ट्रूमेंट्स प्राइवेट लिमिटेड, लोअर भू तल, समरूद्धी, ओल्ड कोर्ट के सामने, निकट सत्तर तालुका सोसायटी, अहमदाबाद-380 014 द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "ए-सी के" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (वेब्रिग हेतू कन्वर्शन किट प्रकार) के माडल का, जिसके ब्रांड का नाम "एल्ट्रो" है (जिसे इसमें इसके पश्चात् उक्त माडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/06/05 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गैज प्रकार का लोड सेल आधारित अस्वचालित (वेब्रिज के लिए कनवर्शन किट प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 25 टन और न्यूनतम क्षमता 100 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 5 कि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टॉपिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा और माडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट, डायग्राम, निष्पादन सिद्धांत आदि की शर्तों पर परिवर्तित/परिवर्धित नहीं किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त माडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5.कि.ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 5 टन से 50 टन. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^{*}$, $2 \times 10^{*}$ या $5 \times 10^{*}$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

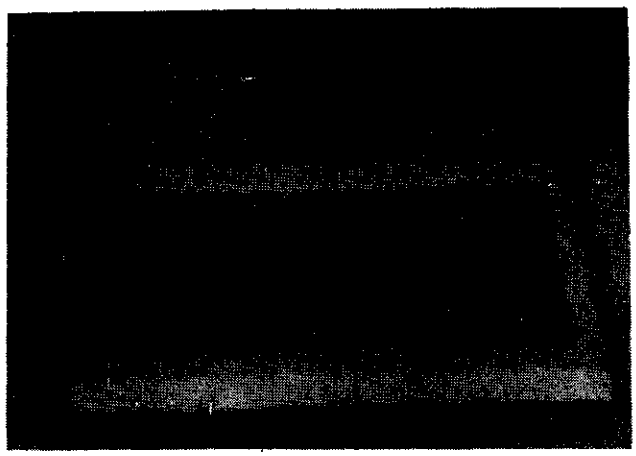
[फा. सं. डब्ल्यू एम-21(16)/2001]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, 10th April, 2006

S.O. 1712.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing Instrument (Conversion Kit for Weighbridge) with digital indication of series "A-CK" and of medium accuracy (Accuracy class-III) with brand name "ALTO" (hereinafter referred to as the said model), manufactured by M/s. True Value Instruments Private Limited, Lower Ground Floor, Samruddhi, Opposite Old High Court, Near Satter Taluka Society, Ahmedabad-380 014, Gujarat and which is assigned the approval mark IND/09/06/05;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Conversion Kit for Weighbridge) with a maximum capacity of 25 tonne and minimum capacity of 100 kg. The verification scale interval (e) is 5 kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The Instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 5 tonne and up to 50 tonne with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5kg or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(16)/2001]

P.A. KRISHNAMOORTHY, Director of Legal Metrology

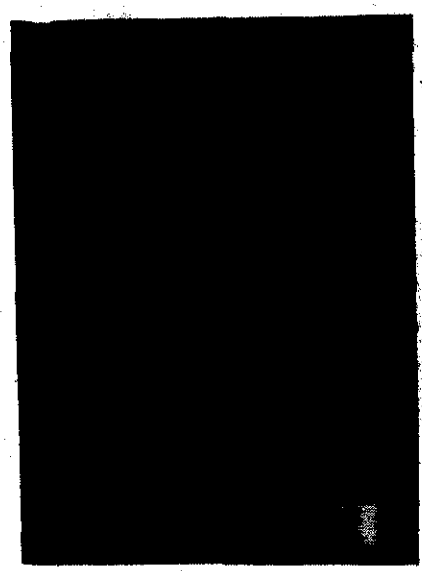
नई दिल्ली, 12 अप्रैल, 2006

का. आ. 1713.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप धारा (7) और उप धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एक्वा सागर फिल्ट्रेशन सिस्टम्स, डी-32, मण्डल इन्डस्ट्रियल कम्पाउण्ड, रोड नं. 21, वागले इन्डस्ट्रियल स्टेट, थाणे (पश्चिम)-4000604, महाराष्ट्र द्वारा विनिर्मित "ए क्यू-आर एफ सी" श्रृंखला के स्वचालित ग्रेविमीट्रिक फिलिंग उपकरण (समय आधारित) के माडल का, जिसके ब्रांड का नाम "एक्वा सागर" है (जिसे इसमें इसके पश्चात् उक्त माडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2005/1050 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

उक्त माडल (नीचे दी गई आकृति देखें) स्वचालित ग्रेविमीट्रिक फिलिंग मशीन (समय आधारित) है। इसकी अधिकतम क्षमता 2 किलोग्राम या समान मात्रा है। इसको प्रयोग विस्कस उत्पादों जैसे खनिज जल, फ्लेवरर्ड दुध, बटर दुध, फल जूस, ब्लू को भरने के लिए किया गया है। यह प्रति मिनट 24-90 भरण करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टांपिंग प्लेट की सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा।



और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त माडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित माडल का विनिर्माण किया गया है, विनिर्मित 2 ग्राम से 2 किलो ग्राम की रेंज की क्षमता के साथ उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे

[फा. सं. डब्ल्यू एम-21(297)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, 12th April, 2006

S.O. 1713.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Automatic Gravimetric filling machine (Time based) of "AQ-RFC" series and with brand name "Aqua Sagar" (hereinafter referred to as the said model), manufactured by M/s. Aqua Sagar Fileration Systems, D-32, Mandal Industrial Compound, Road No. 21, Wagle Industrial Estate, Thane (W)-400 604, Maharastra and which is assigned the approval mark IND/09/2005/1050;

The said model (See the figure given below) an automatic gravimetric filling machine (time based) and its maximum capacity is 2 kg. or equivalent volume. It is used for filling the viscous liquids products like mineral water, flavored milk. Butter milk, fruit juice, blue. It fills 24-90 bottles per minute. The instruments operates on 230V, 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity in the range of 2g to 2Kg or equivalent volume manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

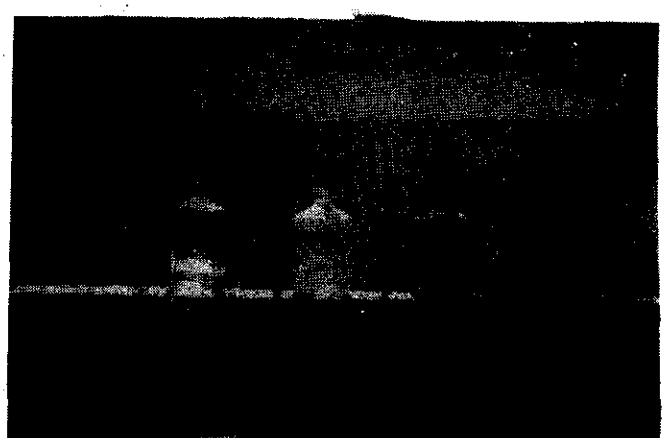
[F. No. WM-21(297)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 12 अप्रैल, 2006

का0आ0 1714.-केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (माडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एक्वा सागर फिल्ट्रेशन सिस्टम्स, डी-32, मण्डल इन्डस्ट्रियल कम्पाउण्ड, रोड नं. 21, वागले इन्डस्ट्रियल एस्टेट, थाणे (पश्चिम)-400604, महाराष्ट्र द्वारा विनिर्मित "ए क्यू-जे एफ सी" श्रृंखला के स्वचालित ग्रेविमीट्रिक फिलिंग उपकरण (समय आधारित)के मॉडल का, जिसके ब्राण्ड का नाम "एक्वा सागर" है (जिसे इसमें इसके पश्चात् उक्त माडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2005/1051 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त माडल (नीचे दी गई आकृति देखें) स्वचालित ग्रेविमीट्रिक फिलिंग मशीन (समय आधारित) है। इसकी अधिकतम क्षमता 20 किलोग्राम या समान मात्रा है। इसको प्रयोग विस्कस उत्पादों जैसे खनिज जल, फ्लेवरर्ड दूध, बटर दूध, फल जूस, ब्लू को भरने के लिए किया गया है। यह प्रति मिनट 1-4 भरण करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त माडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित माडल विनिर्माण किया गया है, विनिर्मित 3 किलो ग्राम से 20 किलो ग्राम की रेंज की क्षमता के साथ उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे।

[फा. सं. डब्ल्यू एम 21-(297)/2005]

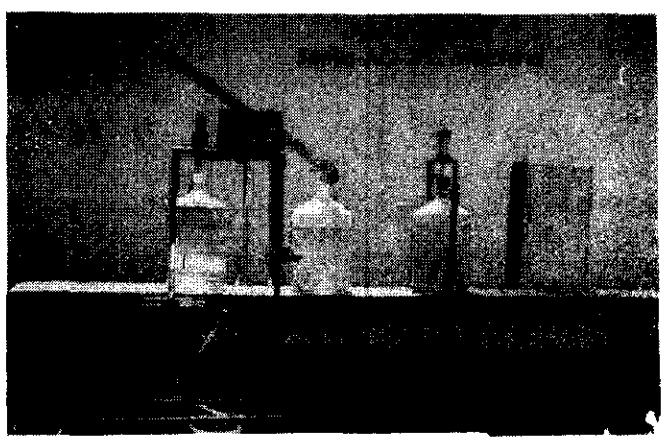
पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 12th April, 2006

S.O. 1714.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the automatic Gravimetric filling machine (Time based) of "AQ-JFC " series and with brand name " Aqua Sagar" (hereinafter referred to as the satd model), manufactured by M/s. Aqua Sagar Filteration Systems, D-32, Mandal Industrial Compound, Road No. 21, Wagle Industrial Estate, Thane (W)-400604, Maharashtra and which is assigned the approval mark IND/09/05/1051;

The said model (See the figure given below) an automatic gravimetric filling machine (Time based) and its maximum capacity is 20kg or equivalent volume. It is used for filling the viscous liquids products like mineral water, flavered milk. Butter milk, fruit juice, blue. It fills 1—4 jars per minute. The instruments operates on 230 V, 50Hz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacity in the range of 3kg to 20kg or equivalent volume manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(297)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 12 अप्रैल, 2006

का०आ० 1715.-केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स एक्वा सागर फिल्ट्रेशन सिस्टम्स, डी-32, मण्डल इन्डस्ट्रियल कम्पाउण्ड, रोड नं० 21, वागले इन्डस्ट्रियल एस्टेट, थाणे (पश्चिम)-400604, महाराष्ट्र द्वारा विनिर्मित "ए क्यू-पी एफ सी" श्रृंखला के स्वचालित ग्रेविमीट्रिक फिलिंग उपकरण (पिस्टन फिलर) के मॉडल का, जिसके ब्राण्ड का नाम "एक्वा सागर" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/05/1052 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है;

उक्त मॉडल (नीचे दी गई आकृति देखें) स्वचालित ग्रेविमीट्रिक फिलिंग मशीन (समय आधारित) है। इसकी अधिकतम क्षमता 5 किलोग्राम या समान मात्रा है। इसको प्रयोग विस्कस उत्पादों जैसे वनस्पति तेल, वनस्पति घी, मार्गेरिन आदि को भरने के लिए किया गया है। यह प्रति मिनट 24-64 भरण करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल विनिर्माण किया गया है, विनिर्मित 100 ग्राम से 5 किलो ग्राम की रेंज की क्षमता के साथ उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे।

[फा. सं० डब्ल्यू एम-21(297)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 12th April, 2006

S.O. 1715.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Automatic Gravimetric filling machine (Piston Filler) of "AQ-PFC " series and with brand name " Aqua Sagar" (hereinafter referred to as the said Model), manufactured by M/s Aqua Sagar Filteration Systems, D-32, Mandal Industrial Compound, Road No. 21, Wagle Industrial Estate, Thane (W)-400604, Maharashtra and which is assigned the approval mark IND/09/05/1052;

The said Model (See the figure given below) an automatic gravimetric filling machine (Piston Filler) and its maximum capacity is 5kg. or equivalent volume. It is used for filling the viscous liquids products like vegetable oil, Vanaspathi ghee, margarine etc. It fills 24-64 packets per minute. The instruments operates on 230 V, 50Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacity in the range of 100g. to 5kg. or equivalent volume manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(297)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 12 अप्रैल, 2006

का0 आ0 1716.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सुरभि इंजीनियरिंग कम्पनी, "20/94, प्रीमियर कल्लाई, कालीकट-673003, केरल द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग II) वाले "डी एस-जे पी" शृंखला के अंकक सूचन सहित स्वतः सूचक अस्वचालित उपकरण (टेबल टॉप प्रकार) के मॉडल का जिसके ब्रांड का नाम "दीपम" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/05/920 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृत गेज प्रकार भार सेल आधारित अस्वचालित (टेबल टॉप प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 किलोग्राम और न्यूनतम क्षमता 100 ग्राम है। सत्यापन मापमान अंतराल (ई) 2 ग्राम है। प्रकाश उत्सर्जक डायोड (एल.ई.डी.) प्रदर्श उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्राम से 50 मि. ग्रा. तक "ई" मान के लिए 100 से 5000 तक के रेंज में सत्यापन अन्तराल (एन) और 100 मि.ग्रा. या उससे अधिक के 'ई' मान के लिए 5,000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k} या 5×10^{k}, के है, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू एम-21(218)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 12th April, 2006

S.O. 1716.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of "DS-JP " series of high accuracy (Accuracy class-II) and with brand name "DEEPAM" (hereinafter referred to as the said Model), manufactured by M/s Surabi Engineering Co., 20/294, Premier Kallai, Calicut-673 003, Kerala and which is assigned the approval mark IND/09/05/920;

The said Model (See the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity up to 50 kg and with number of verification scale interval (n) in the range of 100 to 5,000 for 'e' value of 1mg to 50 mg and with number of verification scale interval (n) in the range of 5,000 to 50,000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

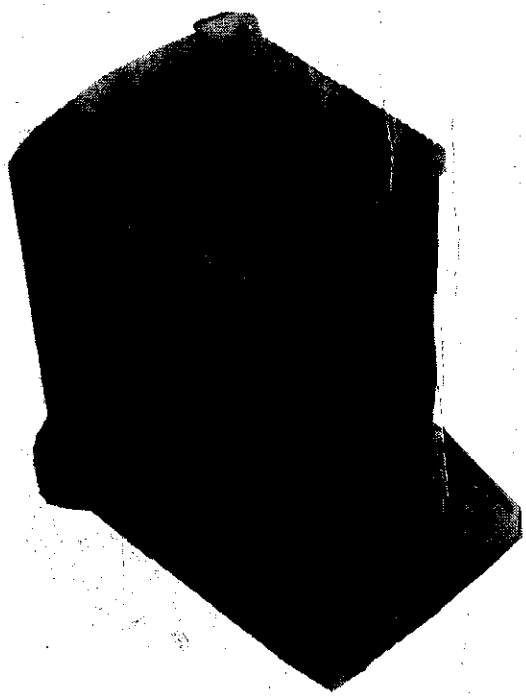
[F. No. WM-21(218)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 12 अप्रैल, 2006

का०आ० 1717.-केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा नीदरलेण्ड मीटिमस्टीतुट (एम एम आई) नेदरलेण्ड द्वारा जारी मॉडल अनुमोदन प्रमाण-पत्र सहित उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (3) के तीसरे परन्तुक और उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मैटलर टोलिडो गम्बरच्च आइ एम लांगचे-28606, ग्रीफेन्सी स्विटजरलेण्ड और भारत में मैटलर टोलडो इंडिया प्राइवेट लिमिटेड, अमर हिल्स, एस.वी. रोड, पोवई, मुंबई-400072 स्विटजरलेण्ड द्वारा निर्मित और बिना किसी परिवर्तन को योग के द्वारा विक्रीत विशेष यथार्थता (यथार्थता वर्ग I) वाले "ए बी-एस/एबी एल/जे बी एल'' श्रृंखला के अंकक सूचन सहित अस्वचालित उपकरण (टेबल टॉप प्रकार) के मॉडल का जिसके ब्रांड का नाम "मैटलर टोलेडो'' है (जिसे उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2005/531 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल इलैक्ट्रोनिक और मोनोब्लाक प्रोद्योगिकी आधारित अस्वचालित (टेबल टॉप प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 320 ग्रा० e ≥ 1 मि० ग्राम या अधिकतम क्षमता ≤ 1600 सीटी e ≥ 5 सीटी है। सत्यापन मापमान अंतराल ≥ 320,000 (ई) ≥ 1 मि०ग्रा० के लिए है। इसमें एक आधेयतुलन युक्ति है। जिसका शतप्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। द्रव्य कण उपदर्शन (एल.ई.डी.) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा पर कार्य करता है।

सीलबंद किया जाना :—स्टाम्पिंग प्लेट को सीलबंद करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्दी की जाएगी।

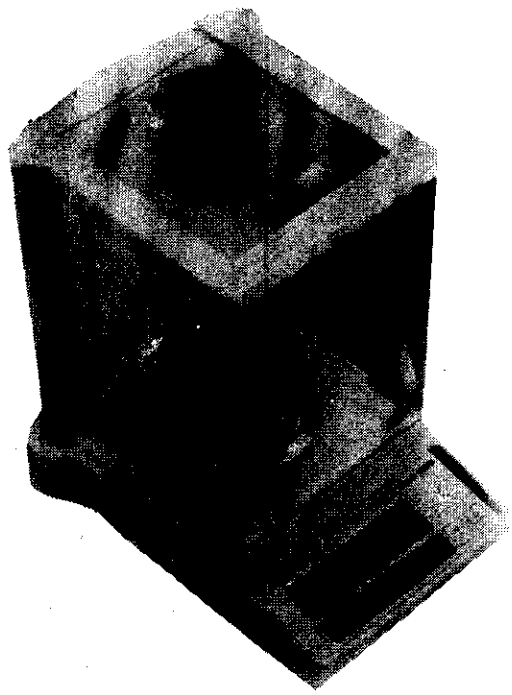
[फा. सं० डब्ल्यू एम-21(79)/2005]

पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 12th April, 2006

S.O. 1717.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority along with the model approval certificate issued by the Nederlands Meetinstituut (NMI), Netherlands, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by third proviso of sub-sections (3) and sub-section (7) and (8) of Section 36 of the said Act, the Central Government hereby issues approves and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of special accuracy class (Accuracy class-I) and of series 'AB-S/AB-L/JB-C' with brand name "Mettler Toledo" and manufactured by M/s Mettler-Toledo GmbH, Im Langacher, 8606 Greifense, Switzerland and sold in India without any alteration or additions by M/s. Mettler-Teledo India Private Limited, Amar Hills, S.V.Road, Powai, Mumbai-400 072 and which is assigned the approval mark IND/13/05/531;



The said model is an electronic and monoblock technology based non-automatic weighing instrument (Table top type) with a maximum capacity of $\leq$ 320g. e $\geq$ 1mg. or maximum capacity $\leq$ 1600ct, e $\geq$ 5ct in respect of verification scale interval n $\leq$ 320,000 for e $\geq$ 1mg. It has a tare device with a 100 percent subtractive retained tare effect. The Liquid Crystal Display (LCD) indicates the weighing result. The instrument operates on 230 Volts and 50Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

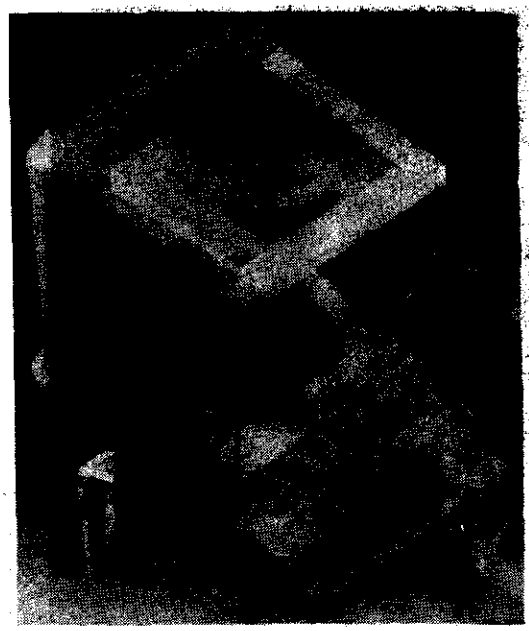
[F. No. WM-21(79)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 12 अप्रैल, 2006

का0आ0 1718.-केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा नीदरलेण्ड मीटिनस्टीतुट (एन एम आई) नीदरलेण्ड द्वारा जारी प्रमाण-पत्र सहित उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त माडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, उक्त अधिनियम की उपधारा (3) के तीसरे परन्तुक और धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मैटलर टेलिडी गम्बरच्च आइ एम लांगचे-28606, ग्रीफेन्सी स्विटजरलेण्ड और भारत में मैटलर टोलडो इंडिया प्राइवेट, अमर हिल्स, एस.वी. रोड, पोवई, मुंबई-400072 बिना किसी परिवर्तन और परिवर्धन द्वारा बिक्री द्वारा निर्मित में विशेष यथार्थता (यथार्थता वर्ग I) वाले "ए एक्स/एम एक्स /यू एम एक्स" श्रृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का जिसके ब्रांड का नाम "मैटलर टोलडो" हैं (जिसे उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/2005/532 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल इलैक्ट्रोनिक और मापन सेल आधारित अस्वचालित (टेबल टॉप प्रकार का) तोलन उपकरण है। इसकी अधिकतम क्षमता 220 ग्रा० $e \geq 1$ मि० ग्राम है । सत्यापन मापमान अंतराल (ई) का मान $e \geq 1$ मि०ग्रा० के लिए एन $\leq 220,000$ है। इसमें एक आधेयतुलन युक्ति है। जिसका शतप्रतिशत व्यवकलनात्मक धारित आधेयतुतन प्रभाव है। द्रव्य कण उपदर्शित (एल सी.डी.) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

सीलबंद किया जाना :-स्टाम्पिंग प्लेट को सीलबंद करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्दी की जाएगी।

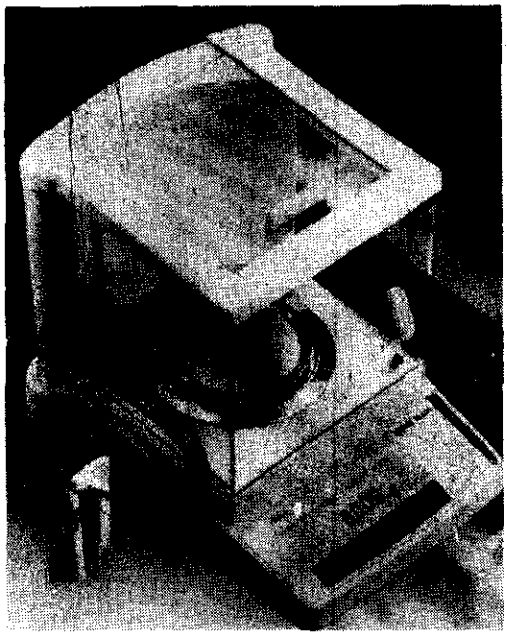
[फा. सं. डब्ल्यू एम-21(79)/2005]

पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 12th April, 2006

S.O. 1718.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, along with the model approval certificate issued by the Nederlands Meetinstituut (NMI), Netherlands, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by third proviso of sub-sections (3) and sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby approves, issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of special accuracy class (Accuracy class-I) and of series 'AB-S with brand name "Mettler Toledo" and manufactured by M/s Mettler-Toledo GmbH, Im Langacher, 8606 Greifence, Switzerland and sold in India without any alteration or additions by M/s. Mettler-Teledo India Private Limited, Amar Hills, S.V.Road, Powai, Mumbai-400 072 and which is assigned the approval mark IND/13/05/532;



The said model is an electronic and measuring cell based non-automatic weighing instrument (Table top type) with a maximum capacity of $\leq$ 220g. e $\geq$ 1mg in respect of verification scale interval n $\leq$ 220,000 for e $\geq$ 1mg. It has a tare device with a 100 percent subtractive retained tare effect. The Liquid Crystal Display (LCD) indicates the weighing result. The instrument operates on 230 Volts and 50Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

[F. No. WM-21(79)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 12 अप्रैल, 2006

का०आ० 1719.-केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा नीदरलैण्ड मीटइंस्टीट्यूट (एन एम आई) नीदरलैण्ड द्वारा जारी मॉडल अनुमोदन प्रमाण-पत्र सहित उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (3) के तीसरे परन्तुक और उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मैटलर टोलिडो गम्बरच्च आइ एम लांगचे-28606, ग्रीफेन्सी स्विट्जरलेण्ड और भारत में मैटलर टोलडो इंडिया प्राइवेट लिमिटेड, अमर हिल्स, एस.वी. रोड, पोवई, मुंबई-400072 स्विटजरलेण्ड द्वारा निर्मित और बिना किसी परिवर्तन को योग के द्वारा विक्रीत उच्च यथार्थता वर्ग (यथार्थता वर्ग II) वाले "पी बी-एस/पी बी एल/जे बी-जी" श्रृंखला के अंकक सूचन सहित अस्वचालित उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "मैटलर टोलडो" है (जिसे उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/533 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल इलैक्ट्रोनिक और मोनोब्लाक प्रोद्योगिकी आधारित अस्वचालित (टेबल टॉप प्रकार के) तोलन उपकरण है। इसकी अधिकतम क्षमता ≤8100 ग्रा० अंतराल सत्यापन मापमान ≥10मि०ग्रा० के लिए एन ≤61,000, 2100 ग्रा० ≥10मि०ग्रा० है। इसमें एक आधेयतुलन युक्ति है। जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। द्रव्य कण प्रदर्शित (एलसीडी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा पर कार्य करता है।

सीलबंद किया जाना :—स्टाम्पिंग प्लेट को सीलबंद करने से अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंदी की जाएगी।

[फा. सं. डब्ल्यू एम-21(79)/2005]

पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 12th April, 2006

S.O. 1719.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority along with the Model approval certificate issued by the Netherlands Meetinstituut (NMI), Netherlands, is satisfied that the Model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by third proviso of sub-sections (3) and sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby approves, issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of high accuracy class (Accuracy Class-II) and of series 'PB-S/PB-L/JB-G' with brand name "Mettler Toledo" and manufactured by M/s. Mettler-Toledo GmbH, Im Langacher, 8606 Greifense, Switzerland and sold in India without any alteration or additions by M/s. Mettler-Toledo India Private Limited, Amar Hills, S.V.Road, Powai, Mumbai-400 072 and which is assigned the approval mark IND/13/2005/533;

The said Model is an electronic and monoblock technology based non-automatic weighing instrument (Table top type) with maximum capacity of $\leq$ 8100g. e $\geq$ 10mg. in respect of verification scale interval n $\leq$ 61,000 for e $\geq$ 10mg. It has a tare device with a 100 per cent subtractive retained tare effect. The Liquid Crystal Display (LCD) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent from the opening of the machine for fraudulent practices.

[F. No. WM-21(79)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 12 अप्रैल, 2006

का.आ. 1720.-केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा नीदरलेण्ड मीटिनस्टीटुट (एन एम आई) नेदरलेण्ड द्वारा जारी मॉडल अनुमोदन प्रमाण-पत्र सहित उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (3) के तीसरे परन्तुक और उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मैटलर टेलिडो गम्बरच्च आइ एम लांगचे-28606, ग्रीफेन्सी स्विटजरलैण्ड और भारत में मैटलर टोलडो इंडिया प्राइवेट लिमिटेड, अमर हिल्स, एस.वी. रोड, पोवाई, मुंबई-400072 स्विटजरलैण्ड द्वारा निर्मित और बिना किसी परिवर्तन को योग के द्वारा विक्रीत मध्य यथार्थता वर्ग (यथार्थता वर्ग III) वाले "जी बी-एस/पी बी एस" श्रृंखला के अंकक सूचन सहित अस्वचालित उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "मैटलर टोलेडो" है (जिसे उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/534 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।

उक्त मॉडल इलेक्ट्रोनिक और मोनोब्लाक प्रोद्योगिकी आधारित अस्वचालित (टेबल टॉप प्रकार के) तोलन उपकरण है। इसकी अधिकतम क्षमता $\le$ 8100 ग्रा. है जिसका सत्यपान मापमान अंतराल एन $\le$ 8100 ई $\ge$ 1 ग्रा. के लिए है । इसमें एक आधेयतुलन युक्ति है। जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। द्रव्य कण उपदर्शन (एलसीडी) तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा पर कार्य करता है।

सीलबंद किया जाना :–स्टाम्पिंग प्लेट की सीलबंद करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंदी की जाएगी।

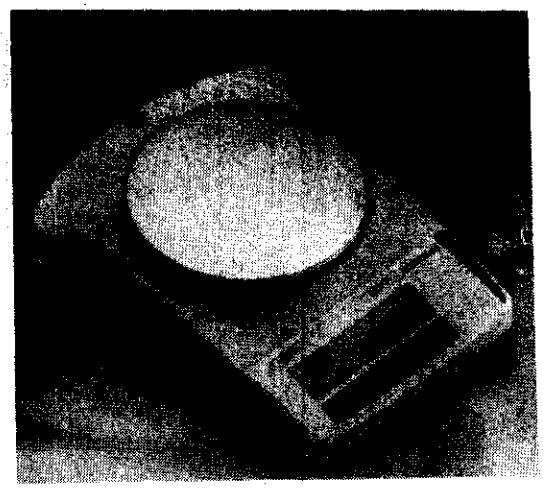
[फा. सं० डब्ल्यू एम-21(79)/2005]

पी.ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 12th April, 2006

S.O. 1720.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority along with the Model approval certificate issued by the Nederlands Meetinstituut (NMI), Netherlands, is satisfied that the Model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by third proviso of sub-section (3) and sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby approves, issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of medium accuracy class (Accuracy class-III) and of series 'GB-S/PB-S' with brand name "Mettler Toledo" and manufactured by M/s. Mettler-Toledo GmbH, Im Langacher, 8606 Greifensee, Switzerland and sold in India without any alteration or additions by M/s. Mettler-Teledo India Private Limited, Amar Hills, S.V.Road, Powai, Mumbai-400072 and which is assigned the approval mark IND/13/2005/534;



The said Model is an electronic and monoblock technology based non-automatic weighing instrument (Table top type) with maximum capacity of $\leq$ 8100g. e $\geq$ 1g. in respect of verification scale interval n $\leq$ 8100. It has a tare device with a 100 per cent subtractive retained tare effect. The Liquid Crystal Display (LCD) indicates the weighing result. The instrument operates on 230 Volts and 50Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent from the opening of the machine for fraudulent practices.

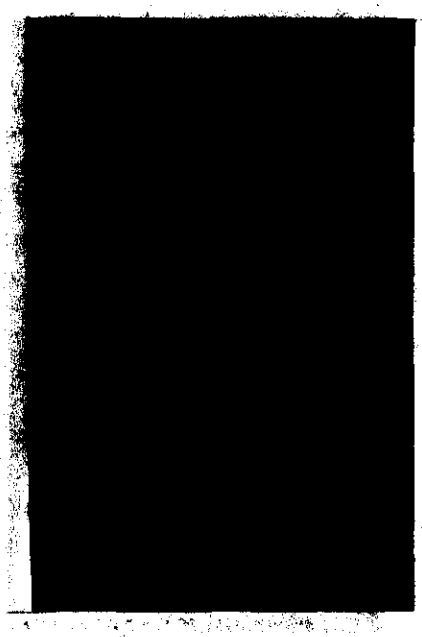
[F. No. WM-21(79)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 12 अप्रैल, 2006

का.आ. 1721.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबन्धों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स स्मार्ट वेइंग सिस्टम, बी-216, वर्धमान नगर-बी, अजमेर रोड, हीरापुरा हाई स्कूल के सामने, जयपुर, राजस्थान द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "एस एम टी" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का जिसके ब्रांड का नाम "स्मार्टरक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/29 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गैज प्रकार का लोड सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 15 कि.ग्रा. और न्यूनतम क्षमता 50 ग्रा. है । सत्यापन मापमान अंतराल (ई) का मान 1 ग्रा. है । इसमें एक आधेयतुलन युक्ति है। जिसका शतप्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त सिटरिंग एकक को भी सील किया जाएगा और मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंद किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट रूपरेखा, कार्मकारी सिद्धांत आदि के संबंध में बदला नहीं जाएगा ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्राम से 50 मि.ग्रा. तक के "ई" मान के लिए 100 से 50,000 तक की 100 मि.ग्रा. या अधिक के "ई" मान के लिए 5,000 से 50,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k} या 5×10^{k} के है, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

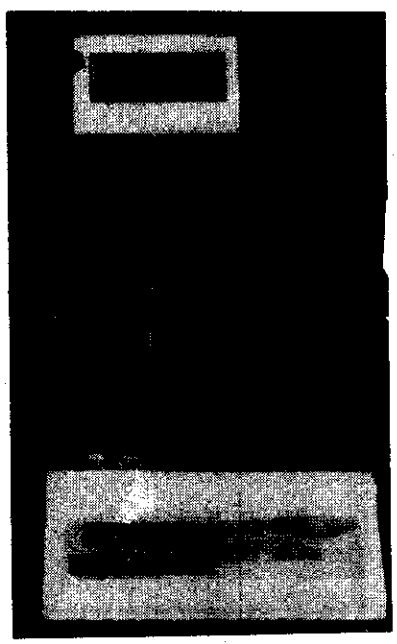
[फा. सं. डब्ल्यू एम 21(273)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 12th April, 2006

S.O. 1721.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of series 'SMT' and of high accuracy (Accuracy class-II) with brand name "SMARTRK" (hereinafter referred to as the said Model), manufactured by M/s Smart Weighing System, B-216, Vardhman Nagar-B, Ajmer Road, opposite Hirapura High School, Jaipur, Rajasthan and which is assigned the approval mark IND/09/06/29 ;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 15kg and minimum capacity of 50g. The verification scale interval(e) is 1g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230Volts, 50Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50mg and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k, 2×10^k, or 5×10^k, where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

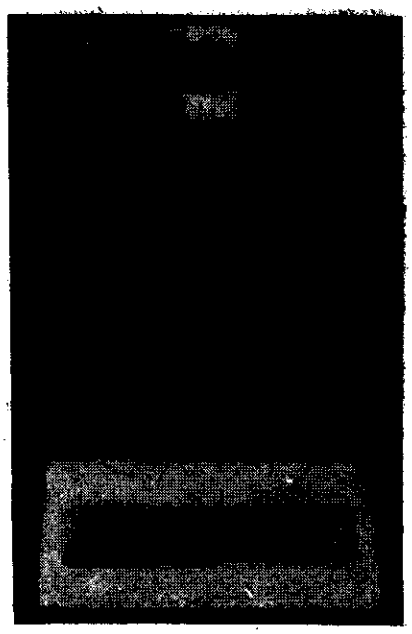
[F. No. WM-21(273)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 12 अप्रैल, 2006

का. आ. 1722.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबन्धों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स स्मार्ट वेइंग सिस्टम, बी-216, वर्धमान नगर-बी, अजमेर रोड, हीरापुरा हाई स्कूल के सामने, जयपुर, राजस्थान द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एस एम टी एल" शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का जिसके ब्रांड का नाम "स्मार्टरक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/30 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गैज प्रकार का लोड सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 20 कि.ग्रा. और न्यूनतम क्षमता 40 ग्रा. है । सत्यापन मापमान अंतराल (ई) का मान 2 ग्रा. है । इसमें एक आधेयतुलन युक्ति है। जिसका शतप्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है । उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मिटरिंग एकक को भी सील किया जाएगा और मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबंद किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट रूपरेखा, कार्यकारी सिद्धांत आदि के संबंध में बदला नहीं जाएगा ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k}, या 5×10^{k}, के है, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

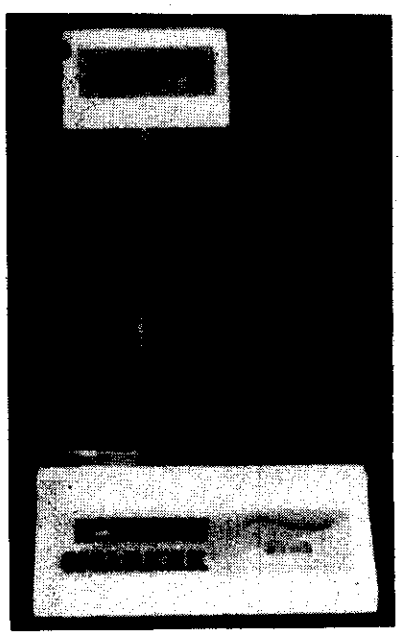
[फा. सं. डब्ल्यू एम 21(273)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 12th April, 2006

S.O. 1722.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Table top type) with digital indication of series 'SMTL' and of medium accuracy (Accuracy class-III) with brand name "SMARTRK" (hereinafter referred to as the said model), manufactured by M/s Smart Weighing System, B-216, Vardhman Nagar-B, Ajmer Road, opposite Hirapura High School, Jaipur, Rajasthan and which is assigned the approval mark IND/09/06/30 ;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 20kg. and minimum capacity of 40g. The verification scale interval (e) is 2g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230Volts, 50Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50kg. with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg. to 2g. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g. or more and with 'e' value of 1×10^k, 2×10^k, or 5×10^k, where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

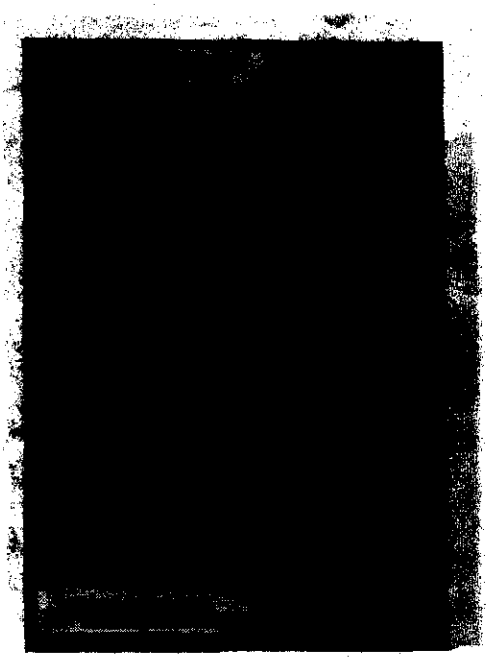
[F. No. WM-21(273)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 12 अप्रैल, 2006

का. आ. 1723.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स स्मार्ट वेइंग सिस्टम, बी-216, वर्धमान नगर-बी, अजमेर रोड, हीरापुरा हाई स्कूल के सामने, जयपुर, राजस्थान द्वारा विनिर्मित मध्यम (यथार्थता वर्ग-III) वाले "एस एम पी" शृंखला के अंकक सूचन सहित, अस्वचालित, तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "स्मार्टरक" है (जिसे इसमें इसके पश्चात् उक्त माडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/06/31 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गैज प्रकार का लोड सेल आधारित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) है। इसकी अधिकतम क्षमता 500 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टापिंग प्लेट को सील करने के अतिरिक्त मिटरिंग एकक को भी सील किया जाएगा और मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए सीलबन्द भी किया जाएगा और मॉडल को उसकी सामग्री, यथार्थता, डिजाइन, सर्किट रूपरेखा, कार्यकारी सिद्धांत आदि के संबंध में बदला नहीं जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 50 कि.ग्रा. से 1000 तक अधिकतम क्षमता वाले हैं और "ई" मान 1 ×10 ^{k}, 2 ×10 ^{k} या 5 ×10^{k}, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

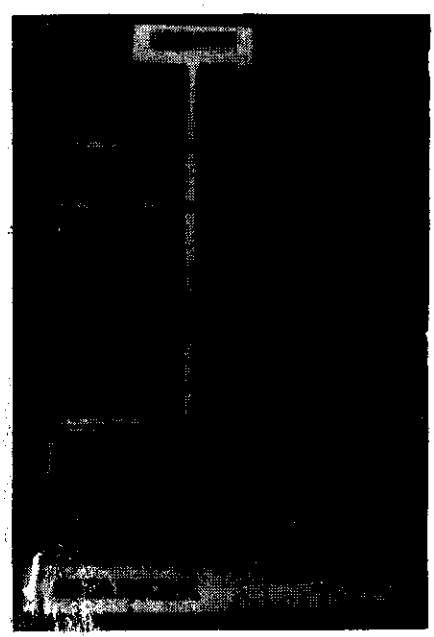
[फा. सं. डब्ल्यू एम-21(273)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 12th April, 2006

S.O. 1723.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of series "SMP" and of medium accuracy (Accuracy class-III) with brand name "SMARTRK" (hereinafter referred to as the said model), manufactured by M/s. Smart Weighing System, B-216, Vardhman Nagar-B, Ajmer Road, opposite Hirapura High School, Jaipur Rajasthan and which is assigned the approval mark IND/09/06/31;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 500 kg and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices and model shall not be changed in terms of its material, accuracy, design, circuit diagram, working principle etc.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg. up to 1000 kg. and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, where k is a positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

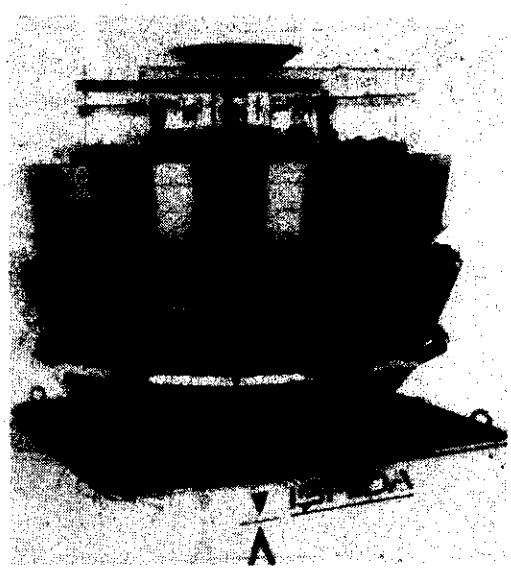
[F. No. WM-21(273)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 12 अप्रैल, 2006

का. आ. 1724.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल नेशनल वेटस एंड मेजर्स लेबोरेटरी, स्टेशन ऐवन्यू टेडींगटन मिडलसेक्स टी डब्ल्यू 11 ओ जेचेड, यूनाइटिड किंगडम (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स "इशिदा कंपनी लिमिटेड 44, सानो-चो, शोगोइन, साकयो-कू, क्योटो सीटी, 606-8392 द्वारा निर्मित "सीसीडब्ल्यू-एसई एंड सीसीडब्ल्यू-एम-2 एक्सएक्स" शृंखला के अंकक सूचन सहित, स्वचालित, ग्रेविमैट्रिक, फिलिंग इंस्ट्रूमेंट के मॉडल का, जिसके ब्रांड का नाम 'इशिदा' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे बिना किसी परिवर्तन या परिवर्धन के बिना भारत में मैसर्स हीट एंड कंट्रोल (साउथ एशिया) प्राइवेट लिमिटेड, ए-40, 6 स्ट्रीट, अन्ना नगर ईस्ट, चेन्नई-600 102 तमिलनाडु अनुमोदन चिन्ह आई एन डी/09/05/375 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित स्वचालित ग्रैविमैट्रिक फिलिंग इस्ट्रूमेंट है जिसका यथार्थता वर्ग रेफ. एक्स(1) है। इसकी अधिकतम क्षमता 400 ग्रा. और न्यूनतम क्षमता 40 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 200 मि.ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शतप्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। वैक्यूम फ्लोरेसैंट (वी एफ डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है। उक्त इलैक्ट्रानिक मीटर का ओआइ एमएल आर 61 विनिर्देशों के अनुसार परीक्षण किया गया है। इसका उपयोग चाय, काफी, खाद्यान्न, उत्पाद आदि के भराव के लिए किया जाता है।

स्टॉपिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के भराव उपकरण भी होंगे जिनकी रेंज अधिकतम क्षमता 800 ग्रा., न्यूनतम क्षमता 40 ग्रा. और सत्यापन मापमान अंतराल 500 मि. ग्रा. है।

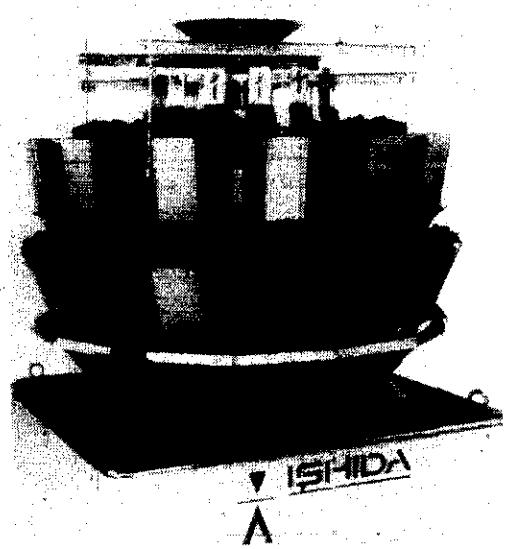
[फा. सं. डब्ल्यू एम-21(54)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 12th April, 2006

S.O. 1724.—Whereas the Central Government, after considering the report submitted to it along with model approval certificate issued by the National Weights and Measures Laboratory, Station Avenue, Teddington, Middlesex, TW11 0JZ, United Kingdom is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by the third proviso to sub-section (3) and sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby approves, issues and publishes the certificate of approval of model of the Automatic Gravimetric Filling Instruments with digital display of series 'CCW-SE & CCW-M-2XX' and with brand name "ISHIDA" (hereinafter referred to as the said model), manufactured by M/s. Ishida Co. Ltd. 44, Sanno-cho, Shogoin, Sakyo-ku, Kyoto-city, 606-8392 and sold in India without any alteration and additions by M/s. Heat and Control (South Asia) Pvt. Ltd. A40,6th Street, Anna Nagar East, Chennai-600102, Tamil Nadu and which is assigned the approval mark IND/09/05/375;



The said model is a strain gauge type load cell based Automatic Gravimetric Filling Instrument of accuracy class Ref X(1). Its maximum capacity is 400 g. and the minimum capacity is 20g. The verification scale interval is 200mg. The Vacuum Flourescent Display (VFD) indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply. The said electronic meter has been tested according to the OIML R61specification. It is used for filling of tea, coffee, grains, powder products etc.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the filling instruments of similar make, accuracy and performance of same series with maximum capacity in the range of 800 g. minimum capacity of 40 g with verification scale interval of 500 mg. manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

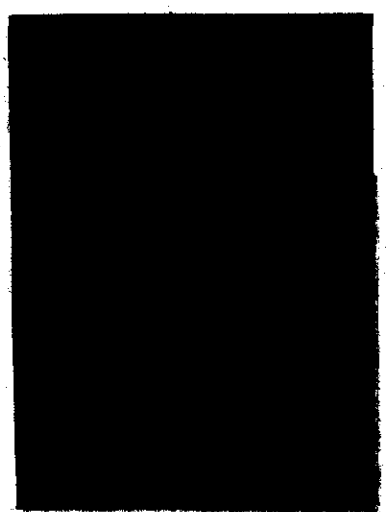
[F. No. WM-21(54)/2005]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 13 अप्रैल, 2006

का. आ. 1725.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स डिजीटल टैक्नो प्राइवेट लिमिटेड, आर 34 एन-7, साई पार्क, सी आई डी सी ओ, औरंगाबाद, महाराष्ट्र द्वारा निर्मित अधिक यथार्थता (यथार्थता वर्ग-III) वाले "इ एस पी" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्रांड का नाम "एक्स-डिजीकॉन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/05/528 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार भार सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 500 कि.ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। यह मशीन यथार्थता वर्ग-III वाली है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सील करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोले जाने से रोकने के लिए भी सीलबन्द किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यकरण के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान (एन) सहित अंतराल 50 कि. ग्रा. से 1000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^{k}, 2×10^{k} या 5×10^{k}, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा. सं. डब्ल्यू एम -21(320)/2003]

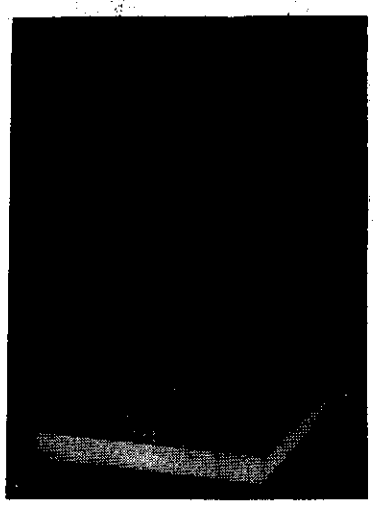
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 13th April, 2006

S.O. 1725.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the self-indicating, non-automatic (Platform type) weighing instrument with digital indication of "ESP" series of medium accuracy (Accuracy class-III) and with brand name "ESS-DIGICON" (hereinafter referred to as the said Model), manufactured by M/s. Digital Techno Pvt. Ltrd., R-34, N-7, Saipark, CIDCO, Aurangabad, Maharashtra and which is assigned the approval mark IND/09/05/528;

The said Model (see the figure given below) is a strain gauge type load cell based weighing instrument with a maximum capacity of 500 kg. and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing results. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of same series with maximum capacity above 50 kg. and up to 1000kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

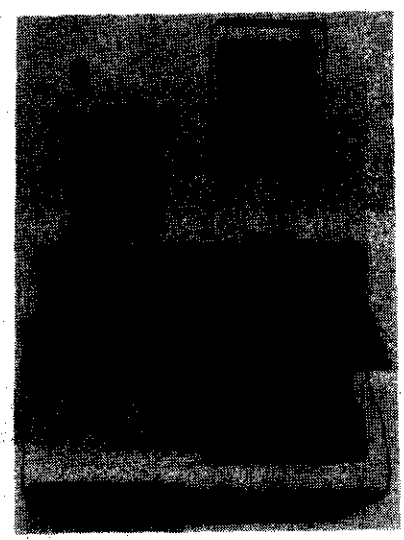
[F. No. WM-21(320)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 13 अप्रैल, 2006

का. आ. 1726.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स डिजीटल टैक्नो प्राइवेट लिमिटेड, आर-34, एन-7, साई पार्क, सी आई डी सी ओ, औरंगाबाद, महाराष्ट्र द्वारा निर्मित उच्च यर्थाथता (यथार्थता वर्ग-II) वाले "ई एस टी" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टॉप प्रकार) के मॉडल का, जिसके ब्रांड का नाम "एस्स-डिजीकॉन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिन्ह आई एन डी/09/05/529 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है।



उक्त मॉडल एक विकृति गेज प्रकार का लोड सेल आधारित अस्वचालित (टेबल टॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टॉम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक "ई" मान के लिए 100 से 5,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 5000 से 50000 तक की रेंज में सत्यापन मान सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान $1 \times 10^{*}$, $2 \times 10^{*}$ या $5 \times 10^{*}$, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य है।

[फा. सं. डब्ल्यू एम-21(320)/2003]

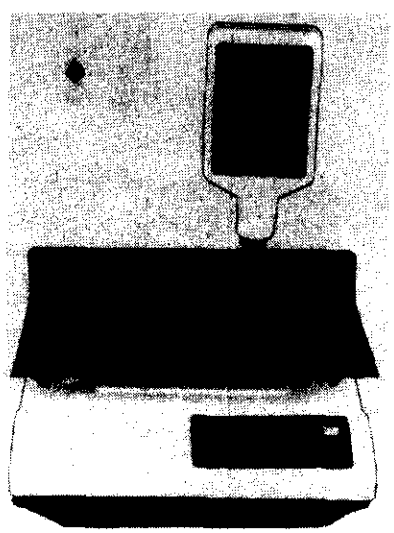
पी. ए. कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 13th April, 2006

S.O. 1726.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of non-automatic weighing instrument (Table top type) with digital indication of "EST" series of high accuracy (Accuracy class-II) and with brand name "ESS-DIGICON" (hereinafter referred to as the said Model), manufactured by M/s. Digital Techno Pvt. Ltd., R-34, N-7, Saipark, CIDCO, Aurangabad, Maharashtra and which is assigned the approval mark IND/09/05/529;

The said Model (see the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30 kg. and minimum capacity of 100 g. The verification scale interval (e) is 2 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instrument of similar make and performance of same series with maximum capacity upto 50 kg. and with number of verification scale interval (n) in the range of 100 to 5,000 for 'e' value of Img. to 50. mg. and with number of verification scale interval (n) in the range of 50,000 to 50,000 for 'e' value of 100 mg. or more and with 'e' value 1×10^k, 2×10^k or 5×10^k, k being the positive or negative whole number or equal to zero manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(320)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 13 अप्रैल, 2006

का. आ. 1727.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स चड्ढा सेल्स प्राइवेट लिमिटेड, सं० 137, राजेन्द्र मार्किट, तीस हजारी, दिल्ली-110054 द्वारा निर्मित "सी एच" शृंखला के फिलिंग मशीन (पिस्टन फिलर प्रकार) के मॉडल का, जिसके ब्रांड का नाम "चड्ढा" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/06/41 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त माडल स्वचालित फिलिंग मशीन (पिस्टन फिलर) है। इसकी अधिकतम क्षमता 2 कि.ग्रा. अथवा समतुल्य है। यह जल, तेल, क्रीम, टूथपेस्ट, जेली, जाम, घी, रंग रोगन, डिस्टैंपर आदि जैसे चिपचिपे द्रव उत्पादों की भराई में प्रयुक्त होता है। यह 10-35 पाउच प्रति मिनट की दर से भरता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा ।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यचालन की स्वचालित फिलिंग मशीन भी शामिल होंगी जिनकी अधिकतम क्षमता 100 ग्राम से 2 किलो ग्राम अथवा समतुल्य मात्रा तक ही है।

[फा. सं. डब्ल्यू एम-21(296)/2005]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 13th April, 2006

S.O. 1727.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Automatic filling machine (Piston Filler) of "CH" series and with brand name "CHADHA" (hereinafter referred to as the said model), manufactured by M/s. Chadha Sales Pvt. Ltd., No. 137, Rajendra Market, Tis Hazari, Delhi-110054 and which is assigned the approval mark IND/09/06/41;

The said model is automatic filling machine (Piston Filler) and its maximum capacity is 2 kg. or equivalent volume. It is used for filling the vicous liquids products like water, oil, cream, toothpaste, jelly, jam, ghee, paints, distemper etc. It fills 10-35 pouches per minute. The instruments operats on 230 Volts, 50 Hz alternative current power supply.

In addition to sealing the scraping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with capacity in the range of 100 g to 2 kg. or equivalent volume manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(296)/2005]

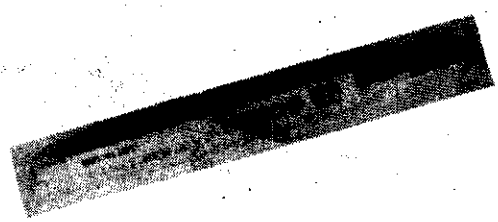
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 13 अप्रैल, 2006

का. आ. 1728.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स मेडीकेयर प्रोडक्ट्स, बी-30, शारदापुरी, नई दिल्ली-110 015 द्वारा निर्मित "गोल्ड एम सी पी" शृंखला के एनालॉग सूचन (क्लीनिकल थर्मामीटर प्रकार) के मॉडल का, जिसके ब्रांड का नाम "गोल्ड एम सी पी" है (जिसे इसमें इसके पश्चात उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2006/07 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) एक एन्कलोज्ड स्केल एनालॉग सूचन सहित 32° सें. से. 42° सें की रेंज में लिक्विड ग्लास (मर्करी) क्लीनिकल थर्मामीटर है और न्यूनतम अंतराल 0.1 सें. है।



[फा. सं. डब्ल्यू एम-21(277)/2003]

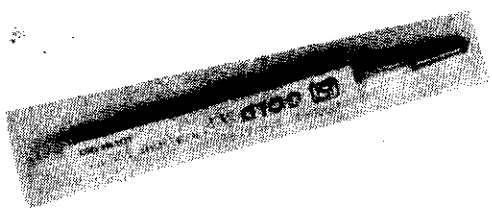
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 13th April, 2006

S.O. 1728.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of enclosed scale type Clinical Thermometer with analogue indication of "GOLD MPC" series with brand name "GOLD MPC" (herein referred to as the said model), manufactured by M/s Medicare Products Inc, B-30, Sharda Puri, New Delhi-110015 and which is assigned the approval mark IND/11/06/07;

The said model an enclosed scale type liquid in glass (mercury) Clinical Thermometer with analogue indication of range 35°C to 42°C and the smallest interval is 0.1°C.



[F. No. WM-21(277)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

(भारतीय मानक ब्यूरो)

नई दिल्ली, 19 अप्रैल, 2006

का. आ. 1729.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आईएस 2042 : 2006 उष्मा ईंटें—विशिष्ट *(दूसरा पुनरीक्षण)*	आई एस 2042 : 1972	28 फरवरी, 2006

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुरशाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों, नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरूवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. एमटीडी 15/टी-26]

एस. के. गुप्ता, वैज्ञानिक 'एफ' एवं प्रमुख (एमटीडी)

(BUREAU OF INDIAN STANDARDS)

New Delhi, the 19th April, 2006

S.O. 1729.—In pursuance of clause (b) of Sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. and year of the Indian Standards Established	No. and year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 2042 : 2006 Insulating Bricks—Specification *(Second Revision)*	IS 2042 : 1972	28 February, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkatta, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. MTD 15/T-26]

S. K. GUPTA, Scientist 'F' & Head (MTD)

नई दिल्ली, 19 अप्रैल, 2006

का. आ. 1730.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आईएस 4041 : 2006 उच्चताप सह सामग्रियों की पारिभाषिक शब्दावली *(पहला पुनरीक्षण)*	आई एस 4041 : 1987	28 फरवरी, 2006

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुरशाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरूवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. एमटीडी 15/टी-47]

एस. के. गुप्ता, वैज्ञानिक 'एफ' एवं प्रमुख (एमटीडी)

New Delhi, the 19th April, 2006

S.O. 1730.—In pursuance of clause (b) of Sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. and year of the Indian Standards Established	No. and year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 4041 : 2006 Terminology for Refractories *(First Revision)*	IS 4041 : 1987	28 February, 2006

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolcatta, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. MTD 15/T-47]

S. K. GUPTA, Scientist 'F' & Head (MTD)

नई दिल्ली, 25 अप्रैल, 2006

का. आ. 1731.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में एतद्द्वारा अधिसूचित किया जाता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे रद्द कर दिए गए हैं और वापस ले लिये गये हैं :

अनुसूची

क्रम संख्या	रद्द किये गये मानक की संख्या और वर्ष	भारत के राजपत्र भाग II, खंड 3, उप-खंड (ii) में का.आ. संख्या और तिथि प्रकाशित	टिप्पणी
(1)	(2)	(3)	(4)
1.	आई एस 1345 : 1960—मुद्रण धातु के रासायनिक विश्लेषण की पद्धति	एस. ओ. 2818 दिनांक 26-11-1960	वर्तमान में उद्योगों द्वारा मानक प्रयोग में नहीं लाई जा रही है।
2.	आई एस 1357 : 1984—मुद्रण टाइप धातु के इंगट *(तृतीय पुनरीक्षण)*	एस. ओ. 0457 दिनांक 12-02-1987	इसमें संदर्भित सामग्री वर्तमान में उद्योगों द्वारा प्रयोग में नहीं लाई जा रही है।
3.	आई एस 4516 : 1968—बिजली हेतु मृदु इस्पात की नलियां	एस. ओ. 2578 दिनांक 20-07-1968	मानक विशिष्ट और सीमित उपयोग का है।
4.	आई एस 4922 : 1968—स्टेनलेस इस्पात की नलियां	एस. ओ. 1455 दिनांक 19-04-1969	मानक विशिष्ट और सीमित उपयोग का है।
5.	आई एस 10588 : 1983—समतल सतहों पर किए जाने वाले परीक्षण में प्रयुक्त ब्रिनेल कठोरता मानों की सारणियां	एस. ओ. 0296 दिनांक 31-01-1987	आई एस 1500 : 2005 द्वारा अधिक्रमित
6.	आई एस 10723 : 1983—एल्यूमिनियम सिलिकॉन, कांस्य, छड और सरियों की विशिष्टि	एस. ओ. 3796 दिनांक 08-11-1996	आई एस 10569 द्वारा अधिक्रमण करते हुए।

[सं. एमटीडीसी/ए-2.14]

एस. के. गुप्ता, वैज्ञानिक 'एफ' एवं प्रमुख (एमटीडी)

New Delhi, the 25th April, 2006

S.O. 1731.—In pursuance of clause (b) of Sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, it is, hereby notified that the Indian Standards, Particulars of which are mentioned in the Schedule give hereafter, have been cancelled and stand withdrawn :

SCHEDULE

Sl. No.	No. and year of the Indian Standards cancelled	S.O. No. and date published in the Gazette of India, Part-II, Section 3, Sub-section (ii)	Remarks
1.	IS 1345 : 1960—Method of chemical analysis of printing metal	S.O. 2818, dated 26-11-1960	Standard not being used by the industries at present.
2.	IS 1357 : 1984—Printing type metal ingots *(third revision)*	S.O. 0457, dated 12-02-1987	The materials referred therein are not being used by the industries at present.
3.	IS 4516 : 1968—Electrical mild steel tubes	S.O. 2578, dated 20-07-1968	Since the standard is for specific and restricted use.
4.	IS 4922 : 1968—Stainless steel tubes	S.O. 1455, dated 19-04-1969	Since this standard is for specific and restricted use.
5.	IS 10588 : 1983—Tables of brinell hardness values for use in test made on flat surfaces	S.O. 0296, dated 31-01-1987	Supersedes by IS 1500 : 2005
6.	IS 10723 : 1983—Specification for aluminium silicon, bronze, rods and bars	S.O. 3796, dated 08-11-1986	Supersedes by IS 10569

[No. MTDC/A-2.14]

S. K. GUPTA, Scientist 'F' & Head (MTD)

पैट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 2 मई, 2006

का. आ. 1732.—केन्द्रीय सरकार, पैट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खण्ड (क) के अनुसरण में और भारत सरकार के पैट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या 1012 तारीख 24 अप्रैल, 2004 को अधिक्रांत करते हुए नीचे दी गई अनुसूची के स्तम्भ (1) में उल्लिखित व्यक्ति को, उक्त अनुसूची के स्तम्भ (2) में की तत्स्थानी प्रविष्टि में उल्लिखित क्षेत्र के संबंध में, उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का निर्वहन करने के लिए प्राधिकृत करती है, अर्थात् :

अनुसूची

प्राधिकारी का नाम और पता	अधिकारिता का क्षेत्र
श्री जी. जयराज, डेपुटी कलेक्टर, इंडियन ऑयल कॉर्पोरेशन लिमिटेड में प्रतिनियुक्ति पर सक्षम प्राधिकारी, 12/30, एफ ब्लॉक, मार्क रेजीडेंसी, वीओसी रोड, कन्टोनमैंट, त्रिची-620001 (तमिलनाडु)	तमिलनाडु राज्य

[सं. आर-25011/7/2004-ओ०आर०-I]

एस. के. चिटकारा, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 2nd May, 2006

S.O. 1732.—In pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) and in supersession of the notification of Government of India in the Ministry of Petroleum and Natural Gas number S.O. 1012 dated the 24th April, 2004, the Central Government hereby authorises the person mentioned in column (1) of the Schedule below to perform the functions of the Competent Authority under the provisions of the said Act, within the area mentioned in the corresponding entry in column (2) of the said Schedule :

SCHEDULE

Name and address of the Authority	Area of jurisdiction
Shri G. Jayaraj, Deputy Collector, Competent Authority on deputation in the Indian Oil Corporation Limited, 12/30, F Block, Mark Residency, VOC Road, Cantonment, Trichy-620001 (Tamilnadu)	State of Tamilnadu

[No. R-25011/7/2004-O.R.-I]

S. K. CHITKARA, Under Secy.

नई दिल्ली, 3 मई, 2006

का.आ. 1733.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि महाराष्ट्र राज्य में दहेज-हजीरा-उरान एवं स्पर पाइपलाईनों द्वारा प्राकृतिक गैस के परिवहन के लिए गेल (इण्डिया) लि. द्वारा, एक पाइपलाइन बिछाई जानी चाहिए :

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसमें उक्त पाइप लाइन बिछाने जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अत: अब, केन्द्रीय सरकार, पैट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में, श्री के.एन. कशिवले, समक्ष प्राधिकारी, गेल (इण्डिया) लिमिटेड, गेल आशियाना भवन, सेक्टर 8बी, 3डी2, सी.बी.डी., बेलापुर, नवी मुम्बई-400 614 (महाराष्ट्र) को लिखित रुप में आक्षेप भेज सकेगा।

अनुसूची

जिला	तहसील	गाँव	सर्वे नं.	आर.ओ.यू. अर्जित करने के लिए क्षेत्रफल (हैक्टेयर में)
1	2	3	4	5
रायगढ़	खालापूर	सावरोली	32	00-03-38
			38	00-05-65
			26	00-38-30
			29	00-14-82
			25	00-32-70
			30	00-06-16
			31	00-10-68
			33	00-30-00
			21	00-43-40
			22	00-04-56
			20	00-18-81
			17	00-19-29
		निफान	29	00-41-93
			28	00-17-46
			27	00-42-65
			26	00-05-67
		दहिवली	19	00-08-71
			11	00-56-67
			10	00-47-84
			9	00-48-70
			18	00-05-76
1	2	3	4	5
रायगढ़	खालापूर	दहिवली	17	00-07-00
			16	00-17-77
			37	00-40-73
			36	00-57-83
			39	00-47-99
			38	00-20-42
			49	00-00-06
		वडवाल	72ए	00-36-60
		तांबाटी	121	00-03-25
			खाण	00-07-16
			120	00-00-18
			116/1	00-02-55
			116/2	00-03-79
			118	00-00-78
			150	00-00-05
			131	00-05-93
			132	00-69-74
		डोणवट	72	00-13-00
			93/बी/1बी	00-28-51
			93/ए/1	00-12-69
	रोहा	वांगणी	279	00-01-04
			280	00-02-57
			278	00-04-43
			274	00-03-90
			273	00-00-21
			272	00-00-05
			275	00-13-10
			277	00-06-52
			257	00-00-72
			256	00-09-35
			232	00-04-84
			233	00-00-65
			229	00-02-37
			230	00-03-31
			325	00-01-72
			324	00-00-97
			228	00-00-12
			227	00-00-10
			226	00-13-58
			211	00-01-87
			213	00-09-11
			209	00-08-31
			210	00-14-21
			334	00-13-15
			206	00-00-03
			493	00-01-60
			336	00-03-04
			335	00-15-85
			340	00-07-50
			462	00-01-13
			463	00-16-99
	खालापूर	रिस	119	00-36-67
			59	00-20-47
			135	00-18-52
			127	00-66-50
			125	00-00-90

1	2	3	4	5
रायगढ़	खालापूर	रिस	134	00-32-99
			133	00-15-19
			131	00-07-83
			130	00-08-43
			163	00-27-41
			162	00-20-98
			160	00-22-35
		कांबे	20	00-30-75
			36	00-01-25
			35	00-28-10
			30	00-00-04
			42	00-03-25
			29	00-08-25
			28	00-09-25
			27	00-07-75
			93	00-10-75
			94	00-10-08
			96	00-11-75
			124	00-02-50
			98	00-04-75
			125	00-06-00
			97	00-08-25
			78	00-19-00
		वट	70	00-18-00
			7	00-00-25
			56	00-05-75
			57	00-17-25
			68	00-31-33
			66	00-01-75
			67	00-03-75
			73	00-00-25
			71	00-17-25
		बोरीवली	54	00-03-75
			12	00-02-00
			10	00-03-75
			11	00-41-28
			9	00-23-25
			14	00-05-00
			16	00-00-75
			15/1	00-02-00
			17	00-01-65
			17/2	00-06-00
			20/2	00-07-75
			4	00-05-25
			21	00-14-25
			21/2	00-15-75
			66	00-03-47
			23	00-23-46
			58	00-06-40
		कैरे	117	00-01-25
			167	00-19-25
			110	00-01-75
			84	00-08-25
			166	00-01-00
			85	00-00-75
			165	00-00-05
			164	00-00-55
रायगड	खालापूर	कैरे	163	00-00-25
			100/6	00-00-25
			97/2	00-23-75
			97/3	00-00-75
		वाशीवलि	2	00-00-25
			78	00-07-50
			23	00-00-25
			54/2	00-20-75
			23	00-01-15
			53/2	00-28-25
			55/2	00-00-95
			53/1	00-01-00
			52/2	00-00-25
			28/6	00-35-25
			28ई/7	00-00-58
			28ई/8	00-16-50
			गावठाण	00-19-50
			61	00-03-25
			64	00-05-60
			66	00-08-78
			65/4	00-01-25
			65	00-05-25
			66/3	00-07-75
			17/0	00-58-71
			66/6	00-01-00
			73	00-03-50
			74	00-00-55
			10/1	00-13-61
			12/2	00-12-99
			72	00-04-80
			69	00-06-30
			70	00-09-60
		वडगाव	35	00-03-11
		वानिवलि	86	00-10-31
			94/1	00-17-48

[फा. सं. एल-14014/23/2005/जी.पी.(भाग-II)]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 3rd May, 2006

S.O. 1733.—Whereas it appars to the Central Government that it is necessary in the public interest that for the transportation of natural gas through Dahej-Hazira-Uran and its spur pipelines in the State of Maharashtra, a pipeline should be laid by the GAIL (India) Limited;

And, whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Mineral pipelines (Acquisition of Righ of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intension to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the land to Shri K.N. Kashivale, Competent Authority, GAIL (India) Limited, GAIL Ashiyana Building, Sector 8B, 3D2, C.B.D., Belapur, Navi Mumbai-400 614 (Maharashtra).

SCHEDULE

District	Tehsil	Village	Survey No.	Area to be acquired for ROU (In Hectare)
1	2	3	4	5
Raigad	Khalapur	Savroli	32	00-03-38
			38	00-05-65
			26	00-38-30
			29	00-14-82
			25	00-32-70
			30	00-06-16
			31	00-10-68
			33	00-30-00
			21	00-43-40
			22	00-04-56
			20	00-18-81
			17	00-19-29
		Nifan	29	00-41-93
			28	00-17-46
			27	00-42-65
			26	00-05-67
		Dahivali	19	00-08-71
			11	00-56-67
			10	00-47-84
			9	00-48-70
			18	00-05-76
			17	00-07-00
			16	00-17-77
			37	00-40-73
			36	00-57-83
			39	00-47-99
			38	00-20-42
			49	00-00-06
		Wadwal	72A	00-36-60
		Tambati	121	00-03-25
			Khan	00-07-16
			120	00-00-18
			116/1	00-02-55
			116/2	00-03-79
			118	00-00-78
			150	00-00-05
			131	00-05-93
			132	00-69-74
		Dhonvat	72	00-13-00
			93/B/1B	00-28-51
			93/A/1	00-12-69
Raigad	Roha	Vangani	279	00-01-04
			280	00-02-57
			278	00-04-43
			274	00-03-90
			273	00-00-21
			272	00-00-05
			275	00-13-10
			277	00-06-52
			257	00-00-72
			256	00-09-35
			232	00-04-84
			233	00-00-65
			229	00-02-37
			230	00-03-31
			325	00-01-72
			324	00-00-97
			228	00-00-12
			227	00-00-10
			226	00-13-58
			211	00-01-87
			213	00-09-11
			209	00-08-31
			210	00-14-21
			334	00-13-15
			206	00-00-03
			493	00-01-60
			336	00-03-04
			335	00-15-85
			340	00-07-50
			462	00-01-11
			463	00-16-99
	Khalapur	Ris	119	00-36-67
			59	00-20-47
			135	00-18-52
			127	00-66-50
			125	00-00-90
			134	00-32-99
			133	00-15-19
			131	00-07-83
			130	00-08-43
			163	00-27-41
			162	00-20-98
			160	00-22-35
		Kambe	20	00-30-75
			36	00-01-25
			35	00-28-10
			30	00-00-04
			42	00-03-25
			29	00-08-25
			28	00-09-25
			27	00-07-75
			93	00-10-75
			94	00-10-08
			96	00-11-75
			124	00-02-50
			98	00-04-75
			125	00-06-00
			97	00-08-25
			78	00-19-00

1	2	3	4	5
Raigad	Khalapur	Vat	70	00-18-00
			7	00-00-25
			56	00-05-75
			57	00-17-25
			68	00-31-33
			66	00-01-75
			67	00-03-75
			73	00-00-25
			71	00-17-25
Raigad	Khalapur	Borivali	54	00-03-75
			12	00-02-00
			10	00-03-75
			11	00-41-28
			9	00-23-25
			14	00-05-00
			16	00-00-75
			15/1	00-02-00
			17	00-01-65
			17/2	00-06-00
			20/2	00-07-75
			4	00-05-25
			21	00-14-25
			21/2	00-15-75
			66	00-03-47
			23	00-23-46
			58	00-06-40
Raigad	Khalapur	Kaire	117	00-01-25
			167	00-19-25
			110	00-01-75
			84	00-08-25
			166	00-01-00
			85	00-00-75
			165	00-00-05
			164	00-00-55
			163	00-00-25
			100/6	00-00-25
			97/2	00-23-75
			97/3	00-00-75
Raigad	Khalapur	Vashivli	2	00-00-25
			78	00-07-50
			23	00-00-25
			54/2	00-20-75
			23	00-01-15
			53/2	00-28-25
			55/2	00-00-95
			53/1	00-01-00
			52/2	00-00-25
			28/6	00-35-25
			28e/7	00-00-58
			28e/8	00-16-50
			Gaovthan	00-19-50
			61	00-03-25
			64	00-05-60
			66	00-08-78
			65/4	00-01-25
			65	00-05-25
			66/3	00-07-75
Raigad	Khalapur	Vashivli	17/0	00-58-71
			66/6	00-01-00
			73	00-00-50
			74	00-00-55
			10/1	00-13-61
			12/2	00-12-99
			72	00-04-80
			69	00-06-30
			70	00-09-60
Raigad	Khalapur	Vadagaon	35	00-03-11
Raigad	Khalapur	Vanivali	86	00-10-31
			94/1	00-17-48

[F. No. L-14014/23/2005-G.P. (Part-II)]

S. B. MANDAL, Under Secy.

नई दिल्ली, 3 मई, 2006

का.आ. 1734.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि महाराष्ट्र राज्य में दहेज-हजीरा-उरान एवं स्पर पाइपलाइनों द्वारा प्राकृतिक गैस के परिवहन के लिए गेल (इण्डिया) लिमिटेड द्वारा, एक पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसमें उक्त पाइप लाइन बिछाने जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अत: अब, केन्द्रीय सरकार, पैट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में, श्री के.एन. कशिवले, सक्षम प्राधिकारी, गेल (इण्डिया) लिमिटेड, गेल आशियाना भवन, सेक्टर 8बी, 3डी2, सी.बी.डी., बेलापुर, नवी मुम्बई-400 614 (महाराष्ट्र) को लिखित रूप में आक्षेप भेज सकेगा ।

अनुसूची

जिला	तहसील	गाँव	सर्वे नं.	आर.ओ.यू. अर्जित करने के लिए क्षेत्रफल (हैक्टेयर में)
1	2	3	4	5
रत्नागिरी	दापोली	बोंडीवली	720	00-13-50
			721ए	00-11-50
			723	00-66-50
			722	00-12-00
			724	00-01-50
			725	00-27-50

1	2	3	4	5
रत्नागिरी	दापोली	बोंडीवली	726	00-27-00
			728	00-14-00
			731	00-72-00
			753	00-17-00
			752	00-06-50
			754	00-05-00
			755	00-06-00
			751	00-16-50
			756	00-01-50
			757	00-33-00
			758	00-02-00
			762	00-23-00
			763	00-12-00
			764	00-08-50
			765	00-08-50
			766	00-01-00
			767	00-07-50
			768	00-07-50
			769	00-11-00
			796	00-30-00
			795	00-12-00
			794	00-03-00
			800	00-04-50
			798	00-01-00
			797	00-17-00
			799	00-26-50
			802	00-06-00
			803	00-11-50
			804	00-47-50
			816ए	00-14-00
			817	00-36-00
			नाला	00-09-00
			818	00-30-50
			819सी	00-27-00
			822	00-20-00
			829	00-26-00
			832	00-33-50
			833	00-06-50
			834	00-09-00
			नदी	00-08-50
			821	00-21-70
रत्नागिरी	दापोली	तलसूरे	106/2	00-04-50
			106/1	01-01-00
			106/5	00-06-50
			98/1/1	00-19-00
			98/1/6	00-02-00
			98/7	00-03-00
			104/5/1	00-09-00
			104/5/2से 6	00-33-00
			104/10/1	00-15-00
			104/10/2	00-01-50
			104/12	00-02-00
			99/1	00-11-00
			99/2	00-06-00
			93/3	00-10-00
			99/4	00-03-00
			99/5	00-03-00
			100/3	00-05-50
रत्नागिरी	दापोली	तलसूरे	100/4	00-07-50
			100/5	00-06-50
			100/10	00-04-00
			96/1	00-08-00
			96/2	00-01-00
			96/3	00-10-50
			96/6	00-13-50
			96/7	00-09-00
			95/3	00-06-00
			93/6	00-01-00
			93/8	00-06-00
			93/9	00-07-50
			93/12	00-12-50
			93/14	00-03-50
			93/10	00-02-00
			92/0	00-15-00
			89/1बी	00-13-50
			89/2	00-09-50
			89/6	00-00-50
			89/3	00-04-00
			89/4	00-07-50
			88/1/2	00-02-00
			88/1/3	00-03-50
			88/1/4	00-03-50
			88/2	00-01-00
			88/3	00-07-30
			88/4	00-01-20
			नाला	00-06-00
			78/4	00-01-00
			78/5	00-02-50
			78/6	00-09-00
			80/1	00-04-50
			80/2	00-04-50
			80/4	00-03-50
			80/5	00-03-50
			80/6	00-11-50
			80/8	00-03-00
			80/9	00-03-50
			रोड	00-08-00
			81/0	00-17-00
			82/3बी1	00-05-00
			83	00-06-00
			84	00-32-00
			82/3ए/1	00-74-00
			74/1	00-28-50
रत्नागिरी	दापोली	वानेशी तर्फे पंचनदी	910	00-20-50
			706	00-15-00
			705	00-06-50
			688/बी	00-01-50
			688/ए	00-32-50
			703	00-05-00
			686	00-02-00
			687	00-10-00
			682	00-02-00
			681	00-02-00
			689	00-03-00
			नाला रस्ता	00-08-00
			651	00-01-00

1	2	3	4	5
रत्नागिरी	दापोली	वानेशी तर्फे पंचनदी	680	00-06-50
			653	00-06-00
			654	00-26-00
			662	00-01-50
			656	00-10-50
			692	00-00-50
			नाला रस्ता	00-08-00
			655	00-01-00
			612	00-11-00
			613	00-01-00
			526	01-05-00
			528	00-00-50
			529	00-00-50
			525	00-03-00
			524/ए/बी	00-18-00
			523	00-06-00
			522/बी	00-33-00
			516	00-01-00
			517	00-15-00
			515	00-00-50
			518	00-01-50
			490/बी	00-03-50
			490/ए	00-00-50
			489	00-35-50
			3	00-13-50
			488	00-05-00
			487	00-11-00
			486	00-12-00
			485	00-08-00
			484	00-00-50
			483	00-02-00
			480	00-13-00
			479	00-13-00
			473/10	00-09-00
			472	00-04-50
			471	00-08-00
			474	00-03-00
			102	00-01-00
			103	00-00-50
			104	00-04-80
			105	00-19-00
			109	00-08-00
			90	00-18-00
			89	00-13-50
			88	00-27-50
			87	00-05-00
			81	00-05-00
			82	00-18-00
			80	00-01-50
			83	00-14-50
			135	00-01-50
			136	00-22-00
			150	00-01-50
			137	00-02-50
			138	00-15-00
			139	00-11-50
			141	00-08-00
			143	00-18-00
			132	00-12-00
रत्नागिरी	दापोली	वानेशी तर्फे पंचनदी	142	00-07-00
			215	00-01-00
			216	00-07-50
			217	00-04-00
			227	00-03-00
			214	00-32-50
			213	00-04-50
			220	00-00-50
			212	00-23-00
			205	00-27-00
			202	00-08-00
			204	00-09-50
			209	00-01-50
			203	00-18-00
			201	00-46-00
			नाला	00-05-50
			913	01-00-00
			909	00-03-50
			919	00-03-50
			918	00-12-00
			942	01-20-00
			946	00-10-10
			947	00-17-00
			473/7	00-00-50
रायगड	मानगांव	लोणेरे	127/3	00-06-00
			127/4	00-01-00
			127/6	00-08-00
			127/8	00-06-00
			125/1ए	00-02-30
			125/1बी	00-06-50
			125/1सी	00-02-50
			125/2ए	00-00-50
			126/1/4+5ए	00-01-30
			126/1/15+5बी	00-01-30
			126/1/9	00-03-50
			126/1/19+2+3ए	00-04-50
			126/1/20+3बी	00-03-70
			126/3डी+4/11	00-06-20
			121/2	00-18-00
			124/1ए	00-04-00
			124/1ए+2	00-08-00
			124/3	00-07-00
			123/1बी	00-02-50
			123/1ए	00-01-00
			123/1डी	00-06-00
			133/1/1	00-13-00
			133/1/5	00-13-00
			133/7	00-07-00
			133/8सी	00-03-50
			133/4	00-00-50
			134/1ए	00-04-00
			134/1बी	00-02-50
			134/1सी	00-03-50
			134/1डी	00-03-00
			134/1ई	00-05-00
			134/5	00-14-00
			134/6सी	00-11-00
			135/1	00-00-50
			135/2	00-05-50

1	2	3	4	5
रायगड	मानगांव	लोणेरे	135/3	00-06-00
			135/5ए	00-01-50
			135/5बी	00-07-50
			135/5सी	00-06-00
			113/1सी	00-00-50
			113/1/2बी+1/1/6	00-12-00
			रोड	00-03-00
			137/1ए	00-01-50
			112/1ए	00-12-00
			112/1बी	00-10-00
			112/1सी	00-09-50
			112/1डी	00-07-00
			112/2/1	00-00-50
			112/2ए	00-05-00
			112/2/4	00-05-00
			112/2/6	00-04-50
			112/2/8	00-04-50
			84	00-16-50
			83	00-17-50
			82/6	00-06-00
			82/7	00-10-00
			81/5	00-14-00
			80/3	00-08-00
			80/4	00-05-50
			58/2	00-11-50
			58/3	00-09-50
			59/1ए	00-10-00
			59/3ए+1सी	00-08-00
			59/3सी	00-07-50
			68/1	00-04-00
			68/2	00-02-00
			68/3	00-03-00
			68/4	00-09-00
			68/5	00-00-50
			67/2+4ए	00-00-50
			61/1	00-06-50
			61/2/1	00-15-00
			61/2/7+3बी	00-18-00
			66/2ए	00-07-00
			66/2बी	00-06-50
			66/2सी	00-15-00
			63	00-24-50
			64	00-11-00
			नदी	00-06-00
रत्नीगिरी	गुहागर	वेलदूर	647	00-01-00
			645	00-25-00
			649	00-18-00
			650	00-25-50
			651	00-81-00
			652	00-03-50
			नदी	01-02-50

[फा. सं. एल-14014/23/2005/जी.पी.(भाग-1)]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 3rd May, 2006

S.O. 1734.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of natural gas through Dahej-Hazira-Uran and its spur pipelines in the State of Maharashtra, a pipeline should be laid by the GAIL (India) Limited;

And, whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Righs of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the land to Shri K.N. Kashivale, Competent Authority, GAIL (India) Limited, GAIL Ashiyana Building, Sector 8B, 3D2, C.B.D., Belapur, Navi Mumbai-400 614 (Maharashtra).

SCHEDULE

District	Tehsil	Village	Survey No.	Area to the acquired for ROU (In hectare)
1	2	3	4	5
Ratnagiri	Dapoli	Bondivali	720	00-13-50
			721A	00-11-50
			723	00-66-50
			722	00-12-00
			724	00-01-50
			725	00-27-50
			726	00-27-00
			728	00-14-00
			731	00-72-00
			753	00-17-00
			752	00-06-50
			754	00-05-00
			755	00-06-00
			751	00-16-50
			756	00-01-50
			757	00-33-00
			758	00-02-00
			762	00-23-00
			763	00-12-00
			764	00-28-50
			765	00-08-50
			766	00-01-00
			767	00-07-50
			768	00-07-50
			769	00-11-00
			796	00-30-00
			795	00-12-00
			794	00-03-00
			800	00-04-50

1	2	3	4	5
Ratnagiri	Dapoli	Bondivali	798	00-01-00
			797	00-17-00
			799	00-26-50
			802	00-06-00
			803	00-11-50
			804	00-47-50
			816A	00-14-00
			817	00-36-00
			Nala	00-09-00
			818	00-30-50
			819C	00-27-00
			822	00-20-00
			829	00-26-00
			832	00-33-50
			833	00-06-50
			834	00-09-00
			River	00-08-50
			821	00-21-70
		Talsure	106/2	00-04-50
			106/1	01-01-00
			106/5	00-06-50
			98/1/1	00-19-00
			98/1/6	00-02-00
			98/7	00/03.03
			104/5/1	00-09-00
			104/5/2 to 6	00-33-00
			104/10/1	00-15-00
			104.10/2	00-01-50
			104/12	00-02-00
			99/1	00-11-00
			99/2	00-06-00
			93/3	00-10-00
			99/4	00-03-00
			99/5	00-03-00
			100/3	00-05-50
			100/4	00-07-50
			100/5	00-06-50
			100/10	00-04-00
			96/1	00-08-00
			96/2	00-01-00
			96/3	00-10-50
			96/6	00-13-50
			96/7	00-09-00
			95/3	00-06-00
			93/6	00-01-00
			93/8	00-06-00
			93/9	00-07-50
			93/12	00-12-50
			93/14	00-03-50
			93/10	00-12-00
			92/0	00-15-00
			89/1B	00-13-50
			89/2	00-09-50
			89/6	00-00-50
			89/3	00-04-00
			89/4	00-07-50
			88/1/2	00-02-00
			88/1/3	00-03-50
Ratnagiri	Dapoli	Talsure	88/1/4	00-03-50
			88/2	00-01-00
			88/3	00-07-30
			88/4	00-01-20
			Nala	00-06-00
			78/4	00-01-00
			78/5	00-02-50
			78/6	00-09-00
			80/1	00-04-50
			80/2	00-04-50
			80/4	00-03-50
			80/5	00-03-50
			80/6	00-11-50
			80/8	00-03-00
			80/9	00-03-50
			Road	00-08-00
			81/0	00-17-00
			82/3B1	00-05-00
			83	00-06-00
			84	00-32-00
			82/3A/1	00-74-00
			74/1	00-28-50
		Vanoshi	910	00-20-50
		Turfe	706	00-15-00
		Panchnadi	705	00-06-500
			688/B	00-01-50
			688/A	00-32-50
			703	00-05-00
			686	00-02-00
			687	00-10-00
			682	00-02-00
			681	00-02-00
			689	00-03-00
			Nala Track	00-00-00
			651	00-01-00
			680	00-06-50
			653	00-06-00
			654	00-26-00
			662	00-01-50
			656	00-01-50
			692	00-00-50
			Nala Track	00-08-00
			655	00-01-00
			612	00-11-00
			613	00-01-00
			526	01-05-00
			528	00-00-50
			529	00-00-50
			525	00-03-00
			524/A/B	00-18-00
			523	00-06-00
			522/B	00-33-00
			516	00-01-00
			517	00-15-00
			515	00-00-50
			518	00-01-50
			490/B	00-03-50
			490/A	00-00-50

1	2	3	4	5
Ratnagiri	Dapoli	Vanoshi	489	00-35-50
		Turfe	3	00-13-50
		Panchnadi	488	00-05-00
			487	00-11-00
			486	00-12-00
			485	00-08-00
			484	00-00-50
			483	00-02-00
			480	00-13-00
			479	00-13-00
			473/10	00-09-00
			472	00-04-50
			471	00-08-00
			474	00-03-00
			102	00-01-00
			103	00-00-50
			104	00-04-80
			105	00-19-00
			109	00-08-00
			90	00-18-00
			89	00-13-50
			88	00-27-50
			87	00-05-00
			81	00-05-00
			82	00-18-00
			80	00-01-50
			83	00-14-50
			135	00-01-50
			136	00-22-00
			150	00-01-50
			137	00-02-50
			138	00-15-00
			139	00-11-50
			141	00-08-00
			143	00-18-00
			132	00-12-00
			142	00-07-00
			215	00-01-00
			216	00-07-50
			217	00-04-00
			227	00-03-00
			214	00-32-50
			213	00-04-50
			220	00-00-50
			212	00-23-00
			205	00-27-00
			202	00-08-00
			204	00-09-50
			209	00-01-50
			203	00-18-00
			201	00-46-00
			Nala	00-05-50
			913	01-00-00
			909	00-03-50
			919	00-03-50
			918	00-12-00
			942	01-20-00
			946	00-10-10
			947	00-17-00

1	2	3	4	5
Raigad	Dapoli	Vanoshi	473/7	00-00-50
	Mangaon	Turfe		
		Panchnadi		
		Lonere	127/3	00-06-00
			127/4	00-01-00
			127/6	00-08-00
			127/8	00-06-00
			125/1A	00-02-30
			125/1B	00-06-50
			125/1C	00-02-50
			125/2A	00-00-50
			125/2B	00-07-20
			126/1/4+5A	00-01-30
			126/1/15+5B	00-01-30
			126/1/9	00-03-50
			126/1/19+2+3A	00-04-50
			126/1/20+3B	00-03-70
			126/3D+4/11	00-06-20
			121/2	00-18-00
			124/1A1	00-04-00
			24/1ए+2	00-08-00
			124/3	00-07-00
			123/1B	00-02-50
			123/1A	00-01-00
			123/1D	00-06-00
			133/1/1	00-13-00
			133/1/5	00-13-00
			133/7	00-07-00
			133/8C	00-03-50
			133/4	00-00-50
			134/1A	00-04-00
			134/1B	00-02-50
			134/1C	00-03-50
			134/1D	00-03-00
			134/1E	00-05-00
			134/5	00-14-00
			134/6C	00-11-00
			135/1	00-00-50
			135/2	00-05-50
			135/3	00-06-00
			135/5A	00-01-50
			135/5B	00-07-50
			135/5C	00-06-00
			113/1C	00-00-50
			113/1/2B+1/1/6	00-12-00
			Road	00-03-00
			137/1	00-01-50
			112/1A	00-12-00
			112/1B	00-10-00
			112/1C	00-09-50
			112/1D	00-07-00
			112/2/1	00-00-50
			112/2A	00-05-00
			112/2/4	00-05-00
			112/2/6	00-04-50
			112/2/8	00-04-50
			84	00-16-50
			83	00-17-50
			82/6	00-06-00
			82/7	00-10-00
			81/5	00-14-00
			80/3	00-08-00
			80/4	00-05-50

1	2	3	4	5
Raigad	Mangaon	Lonere	58/2	00-11-50
			58/3	00-09-50
			59/1e	00-10-00
			59/3A+1C	00-08-00
			59/3C	00-07-50
			68/1	00-04-00
			68/2	00-02-00
			68/3	00-03-00
			68/4	00-09-00
			68/5	00-00-50
			67/2+4A	00-00-50
			61/1	00-06-50
			61/2/1	00-15-00
			61/2/7+3B	00-18-00
			66/2A	00-07-00
			66/2B	00-06-50
			66/2C	00-15-00
			63	00-24-50
			64	00-11-00
			River	00-06-00
Ratnagiri	Guhaghar	Veldur	647	00-01-00
			645	00-25-00
			649	00-18-00
			650	00-25-50
			651	00-81-00
			652	00-03-50
			River	01-02-50

[F. No. L-14014/23/2005-G.P. (Part-I)]
S. B. MANDAL, Under Secy.

नई दिल्ली, 3 मई, 2006

का.आ. 1735.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि महाराष्ट्र राज्य में दहेज-हजीरा-उरान एवं स्पर पाइपलाईनों द्वारा प्राकृतिक गैस के परिवहन के लिए गेल (इण्डिया) द्वारा, एक पाइपलाईन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाईन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें उक्त पाइप लाईन बिछाने जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अत: अब, केन्द्रीय सरकार, पैट्रोलियम और खनिज पाइपलाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 5 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाईन बिछाए जाने के संबंध में, श्री के.एन. कशिवले, समक्ष प्राधिकारी, गेल (इण्डिया) लिमिटेड, गेल आशियाना भवन, सेक्टर 8बी, 3डी2, सी.बी.डी., बेलापुर, नवी मुम्बई-400 614 (महाराष्ट्र) को लिखित रुप में आपेक्ष भेज सकेगा।

अनुसूची

जिला	तहसील	गाँव	सर्वे नं.	आर.ओ.यू. अर्जित करने के लिए क्षेत्रफल (हैक्टेयर में)
रायगड	सूधागड	धोटावडे	248	00-40-50
			249	00-14-00
रायगड	खालापुर	तुकसड़	61	00-08-00
रायगड	खालापुर	नवधर	381	00-17-50
			366	00-14-00

[फा. सं. एल-14014/23/2005/जी.पी.(भाग-II)]
एस. बी. मण्डल, अवर सचिव

New Delhi, the 3rd May, 2006

S.O. 1735.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of natural gas through Dahej-Hazira-Uran and its spur pipelines in the State of Maharashtra, a pipeline should be laid by the GAIL (India) Limited;

And, Whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 3 of the Petroleum and Mineral pipelines (Acquisition of Righ of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intension to acquire the right of user therein;

And person interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the land to Shri K.N. Kashivale, Competent Authority, GAIL (India) Limited, GAIL Ashiyana Building, Sector 8B, 3D2, C.B.D., Belapur, Navi Mumbai-400 614 (Maharashtra).

SCHEDULE

District	Tehsil	Village	Survey No.	Area to the acquired for ROU (In hectare)
1	2	3	4	5
Raigad	Sudhagad	Ghota-wade	248	00-40-50
			249	00-14-00
	Khalapur	Tuksai	61	00-08-00
		Navghar	381	00-17-50
			366	00-14-00

[F. No. L-14014/23/2005-G.P. (Part-II)]
S. B. MANDAL, Under Secy.

श्रम और रोजगार मंत्रालय

नई दिल्ली, 10 अप्रैल, 2006

का.आ. 1736.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, कानपुर के पंचाट (संदर्भ संख्या-31/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-4-2006 को प्राप्त हुआ था।

[सं. एल-12012/28/2004-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 10th April, 2006

S.O. 1736.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 31/2004) of the Cent. Govt. Industrial Tribunal-cum-Labour Court, Kanpur (U.P.) as shown in the Annexure, in the Industrial Dispute between the management of Central Bank of India and their workmen, which was received by the Central Government on 7-4-2006.

[No. L-12012/28/2004-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE SRI SURESH CHANDRA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, SARVODAYA NAGAR, KANPUR, U.P.

Industrial Dispute No. 31 of 2004

In the matter of dispute between :

Shri Hari Gopal s/o Late Vasudev
21/83 Dhuliaganj
Agra

And

The Regional Manager
Central Bank of India
Sanjay Place
Regional Office Agra

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide notification No. L-12012/28/2004-IR(B-II) dated 31-5-2004 has referred the following dispute for adjudication :

> "Whether the action of the Management of Central Bank of India in terminating the services of Sri Hari Gopal son of late Vasudev part time sweeper w.e.f. 1-8-2001 is legal and justified? If not to what relief the workman is entitled to?"

2. It is necessary to give full details of the case as during the course of hearing of the case on 29-3-2005, the workman vide his application informed the tribunal that the instant dispute has been settled between him and the management outside the court as such a no claim award be passed in the case. Considering the request made by the workman it is held that there remains no dispute between the parties as the same has been settled by the parties outside the court.

3. Accordingly it is held that the workman is not entitled for any other relief pursuant to the reference order made to this Tribunal.

Reference is answered accordingly.

SURESH CHANDRA, Presiding Officer

नई दिल्ली, 10 अप्रैल, 2006

का.आ. 1737.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओरिएण्टल बैंक ऑफ कॉमर्स के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या-96/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-4-2006 को प्राप्त हुआ था।

[सं. एल-12012/23/2001-आईआर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 10th April, 2006

S.O. 1737.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.96/2001) of the Cent. Govt. Industrial Tribunal-cum-Labour Court, Lucknow as shown in the Annexure, in the Industrial Dispute between the management of Oriental Bank of Commerce and their workmen, which was received by the Central Government on 7-4-2006.

[No. L-12012/23/2001-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT

Shrikant Shukla Presiding Officer

I.D. No. 96/2001

Ref. No L-12012/23/2001-IR (B-II) Dt. 12-6-2001

Between

Nand Kishore
S/o Sh. Shyamlal Balmiki
Mohalla Balmiki Basti
Nahtor, Distt. Bijnore (UP)

And

Regional Manager
Oriental Bank of Commerce
148, Civil Lines
Bareilly-243801

AWARD

The Government of India, Ministry of Labour, New Delhi referred the following dispute No. L-12012/23/

2001-IR (B-II) Dated 12-6-2001 for adjudication to Presiding Officer, CGIT-cum-Labour-Court, Lucknow:

"Whether the action of the management of Oriental Bank of Commerce to terminate the services of Sh. Nand Kishore temporary Sub-staff Safai Karmchari w.e.f. 11-4-2000 is legal and justified? If not, what relief is the disputant concerned entitled to?"

Nand Kishore has filed the statement of claim alleging therein that he was appointed in the Nahtor branch of Oriental Bank of Commerce. At the time of appointment he was not given any appointment letter and was told that the appointment letter will be given after 3 years. After opening the bank 8 A.M., he used to clear the office, counter and premises and after 10 A.M. he used to work as peon till 5 P.M., which included carrying of the ledger register at proper place and providing tea, water, breakfast etc. Besides above job, he carried out the job of Daftary. On 25-2-2000 the worker was given the certificate of integrity. Worker was paid at the rate of Rs. 300 per month and after a few months the salary was increased to Rs.500, Rs.700 and Rs.800 per month. Worker worked for 905 days. Worker came to know that after 240 days work he was to be made permanent and therefore he demanded from the Branch Manager that he should be made permanent. Branch Manager told him that it is beyond his jurisdiction and he should better approach the higher officers. Accordingly the worker sent the representation by registered post on 2-11-99 to Asstt. General Manager, of the bank. He also met the Asstt. General Manager who asked him to give another application, which he delivered and gave him assurance. Asstt. General Manager of the bank called for the report from Branch Manager. On 20th March the Branch Manager called him at his residence and scolded him and demanded money. The Branch Manager also threatened him for implicating in the false case. The worker accordingly reported the fact to Supdt. of Police. Worker has further alleged that on 11-4-2000 he was terminated. Branch Manager of the bank has appointed one Chhatra Pal in his place. Worker has further alleged that he was not given notice, notice pay or compensation before termination which amounts to retrenchment. Worker has also submitted that he filed a writ petition in the Hon'ble High Court, Allahabad and the Court advised him to approach the Labour Court. Worker has prayed for setting aside oral termination order dt. 11-4-2000 and back wages.

Worker has filed photo copies of following documents :.

1. Trade Union Registration Certificate 79-80.
2. Certificate of employment issued by the Manager of the Bank.
3. Vouchers 9-8-97, 4-9-97, 6-10-97, 30-11-98, 20-12-97, 25-1-98, 12-2-98, 25-3-98, 28-4-98, 9-6-98, 28-7-98, 26-10-98, 5-11-98, 30-11-98, 9-3-99, 12-4-99, 11-5-99, 2-8-99, 16-10-99, 11-1-2000, 16-2-2000, 13-3-2000. Besides vouchers dated 11-12-98 for Rs. 150, 24-1-99 for Rs.300, 2-12-99 for Rs. 800, Nil for Rs. 585, 3-11-99 for Rs. 20/-.
4. Postal Receipt 6-11-99, alongwith representation 2-11-99.
5. Complaint to DM dt. 6-4-2000 and postal receipt.

   Complaint to SP with postal receipt.
6. UPC date of which is not legible.
7. Representation of Nand Kishore addressed to Chairman, Director & Manager.
8. Voucher 20-12-97, 27-2-98, 26-6-98, 24-8-98, 2-10-98, 9-2-99, 9-3-99, 17-4-99, 22-6-99, 5-7-99, 28-8-99, Sept. 99, 11-10-99, 5-11-99, 2-12-99, 13-3-99. Besides same vouchers of other amounts showing alongwith bill but bill not filed.
9. Extracts of voucher register.
10. Application addressed to Asstt. Labour Commissioner.
11. Order dt. 16-5-2000 of the Hon'ble High Court, Allahabad.
12. Reply of the bank to Asstt. Labour Commissioner (C).
13. Register of the worker before Asstt. Labour Commissioner (C).

The management of the Oriental Bank of Commerce has filed the written statement through its Asstt. General Manager. Management of the bank has narrated the procedure of the recruitment. It is alleged that the vouchers filed by the worker are not authenticated nor the source of obtaining them. The said vouchers can not be read in evidence. Regarding employment certificate filed by the worker the bank management has alleged that the same is not genuine. There is no such system or rule for issuing such type of certificates by Bank Manager. The certificate is forged. It is submitted that the appointment letter is not issued to any person who is engaged casually on daily wage basis. Branch where the worker worked for sometime was not more than half an hour or an hour and for that purpose the worker was often or irregularly and casually engaged. Worker used to sit outside the bank probably in the expectancy of his being casually engaged in the bank and the Bank Manager used to call him in exigency of work. Worker was engaged for different nature of work assigned to him was not a permanent nature but was of sudden increase or requirement of work. He was never designated either as peon, messanger or sweeper etc. A person having conduct of producing the photo copies of alleged vouchers, can not enjoy the confidence of the bank management as such it is not safe to engage a person like the present one. In fact the worker has tried to concoct a story so as to derive same benefit to which he is not entitled. Replying the representations the Bank Management has stated that Regional Head has no power to entertain such representations/applications since as per rules and in view of law, vacancies have to be notified compulsorily and after adopting the process of

appointment, appointments are made & back door entry inviolating the said procedure is not permissible. Regarding allegations against the Branch Manager Sri Atar Singh Malik, the same has been denied & the same is termed as defamatory. It is also denied that any person as named by the worker has been engaged in the worker's place. It is admitted that the worker Nand Kishore was not engaged in the bank on 11-4-2000 & the workman was not entitled to any notice, notice pay, retrenchment compensation as he was not a retrenched employee. He was also not entitled to any protection against the non engagement or any further engagement. There is no industrial dispute. The worker has not put in service for 240 days or more in a calander year and is not entitled to any relief.

Management of the bank has filed following photo copies or documents :

1. List no. 2337 of applicants submitted on 22-9-99.

2. List no. 2343 of applicants submitted on 22-9-99.

3. List no. 2340 of applicants submitted on 22-9-99.

4. Letter dt. 30-9-78 regarding notification of vacancies.

5. Letter dt. 10-5-90 regarding recruitment of staff through employment exchange.

6. Letter dt. 5-11-90 of the bank regarding compulsory notification and filling of the vacancies in subordinate cadre.

7. Letter of Indian Bank Association dt. 27-11-90 regarding compulsory notification and filling up the vacancies in subordinate cadre.

Bank management has also filed photo copies of following vouchers :

29-9-97, 6-10-97, 20-12-97, 22-10-97, 9-3-99, 25-3-98, 29-4-98, 9-6-98, 18-7-98, 24-8-98, 23-9-98, 26-10-98, 29-10-98, 5-11-98, 30-11-98, 4-3-99, 17-3-99, 17-4-99, 11-5-99, 22-6-99, 5-7-99, 14-7-99, 28-8-99, 11-10-99, 3-2-99, 3-12-99, 16-2-2000, 2-2-99, 13-3-2000

Worker has examined himself. Opposite party has examined Sri A.S. Malik.

Opposite party has filed written argument. No argument is filed on behalf of worker. Even no one turned up for oral submissions on behalf of worker.

Perused arguments & evidence on record carefully.

Worker filed photo copy of employment certificate and its original these paper no. 2/10, 4/69 & A1-26. Certificate does not bear any number of the file from which it was issued. The certificate is purported to have been issued by the Manager, but name of the manager is not mentioned underneath the alleged signature. Sri Nand Kishore, the worker has stated that there is the signature of Branch Manager Sri A. Singh on the certificate where as Sri Atar Singh Malik who has been examined by the management of the bank has stated on oath that he has not given any certificate regarding employment to Sri Nand Kishore. He has also stated that original certificate paper no. A1-26 does not bear his signature.

Representative of the worker Sri K.K. Tripathi moved an application C-35 that the specimen signature of Sri A.S. Malik be taken & worker be allowed to produce expert opinion. Accordingly this court ordered the worker to produce his hand writing expert for taking photographs on 28-6-2004 & the Sri A.S. Malik was also instructed to appear on the same day, so that expert can take photos for his expert opinion. On 28-6-04 though Sri A.S. Malik appeared in the court, but the worker did not produce his expert. It was therefore believed that the worker does not want to file expert report in evidence, therefore another date was fixed for arguments.

In the aforesaid circumstances the employment certificate mentioned above has no evidentiary value.

Worker has alleged that he was appointed in the bank on 9-7-97, however no appointment letter was issued. It was told to him that appointment letter is given after 3 years. Who appointed him & who told that appointment letter is given after 3 years, is no mentioned in the statement of claim. In the present case there is no termination letter as well.

Opposite party bank is one of Nationalised Bank it has the prescribed procedure & no one can be appointed without a valid appointment order. There are specific appointing authority for different categories of employees. The witness of the opposite party has proved that Appointing Authority in the present case is Regional Manager & not the branch manager. Witness has also proved that there is prescribed procedure for recruitment of sub staff. Indent is issued to the employment exchange in turn employment exchange sends the name of candidates & then the appointing authority selects the candidate for sub staff. He has also proved that Sri Nand Kishore was not the employee of the bank. It is evident from the vouchers of 2/17, 2/19, 2/20, 2/25, 2/26, 2/30, 2/34, 2/37, 2/38, 2/39 & other vouchers filed by the worker himself that the payment has been made as daily wages.This goes to prove that the worker was not a regular employee, but was engaged as daily wager. In the circumstances there was no question of issuance of appointment letter moreover regular employees are not paid wages through vouchers, instead they are paid wages through signatures on salary register.

Worker has in evidence stated that he was appointed by Sri Malik. He has admitted that his name was not send by the employment exchange. He has also not stated that as to who was appointing authority for peon. This also corroborates the fact that he was not the regularly selected/ appointed employee. The worker's statement that he was told that the appointment order shall be given after 3 years is false.

Worker has filed photo copies of vouchers, the legible details are mentioned against each.

Sl. No.	Voucher Date	Purpose of payment	Amount	Paper No.	Remark
1	2	3	4	5	6
1.	9-8-97	Sweeping of office floor daily wages for 30 days to Nand Kishore	Rs. 300/-	4/3 2/11	
2.	4-9-97	To Nand Kishore for cleaning	Rs. 300/-	2/2	
3.	4-9-97	Paid to Manoj Kumar for cleaning	Rs. 350/-	4/7 2/12	
4.	20-9-97	Not legible	Rs. 20/-	4/8	
5.	6-10-97	Paid to Nand Kihsore for cleaning	Rs. 500/-	2/3 2/4	
6.	22-10-97	As per enclosed bill to Nand Kishore	Rs. 75.50	4/10	
7.	12-11-97	As per bill	Rs. 22/-	4/6	
8.	30-11-97	Paid to Nand Kishore daily wages for Nov.	Rs. 600/-	2/14	
9.	20-12-97	Paid to Nand Kishore sweeper for Nov., 97	Rs. 500/-	4/5 2/15	
10.	24-12-97	Paid to Nand Kishore as per bill	Rs. 45/-	4/9	
11.	15-1-98	Paid to Nand Kishore for sweeping in Dec.	Rs. 300/-	4/12 2/16	
12.	12-2-98	Paid to daily wages swaeping & office cleaning	Rs. 500/-	4/11 2/17	
13.	27-2-98	Paid to Hem daily wage for sweeping	Rs. 500/-	4/14	Hem & Nand Kishore signature visible
14.	25-3-98	Paid to Nand Kishore for sweeping	Rs. 500/-	4/13 2/18	
15.	28-4-98	Paid to Nand Kishore daily wager for March	Rs. 500/-	1/16 2/19	
16.	9-6-98	Paid to Nand Kishore daily wager	Rs. 500/-	4/15 2/20	
17.	20-6-98	Paid to Nand Kishore for water cooler & Water charges	Rs. 600/-	4/18	
18.	18-7-98	Paid to Nand Kishore purpose not legible	Rs. 61/-	4/17	
19.	18-7-98	Paid to Nand Kishore sweeping charges June, 98	Rs. 600/-	4/20 2/21	
20.	8-8-98	Paid to Nand Kishore for as per bill attached	Rs. 46/-	4/22	
20a.	2-8-98	Paid to Nand Kishore daily wage sweeper for Aug., 98	Rs. 500/-	4/19	
21.	24-8-98	Paid to Nand Kishore cleaning charges	Rs. 150/-	2/21	
22.	26-8-98	Paid to Nand Kishore for bringing 10 mtres. shackts	Rs. 150/-	4/24	
23.	23-9-98	Conveyance charges	Rs. 50/-	2/23	
24.	13-10-98	Paid to Nand Kishore for cleaning office	Rs. 20/-	4/23	
25.	15-10-98	Paid to Rishi Pal Rathore	Rs. 600/-	4/25	Does not put in Nand Kishore

1	2	3	4	5	6
26.	26-10-98	Paid to Nand Kishore for sweeping charges Aug., 98	Rs. 600/-	4/25 2/24	
27.	29-10-98	Paid to Nand Kishore daily wager sweeper for Sept., 98	Rs. 600/-	4/27	
28.	5-11-98	Paid to Nand Kishore for sweeping Oct., 98	Rs. 600/-	4/30 2/25	
29.	3-11-98	Paid to S.G. Singh	Rs. 20/-	4/28	Does not paid to worker
30.	11-11-98	Paid to Nand Kishore as per bill	Rs. 150/-	4/29	
31.	30-11-98	Daily wager for Nov., 98	Rs. 600/-	2/26	
32.	21-12-98	As per bill	Rs. 150/-	4/32	
33.	29-12-98	Paid to Nand Kishore for soap	Rs. 15/-	4/32	
34.	24-1-98	Amount as per bill	Rs. 300/-	4/31	
35.	18-2-99	Paid to Jhan as per attached bill	Rs. 40/-	4/33	Does not to worker
36.	9-2-99	Paid to Nand Kishore for Jan., 98	Rs. 800/-	4/34	
37.	4-3-99	Paid to Nand Kishore as per bill	Rs. 144/-	4/35	
38.	9-3-99	Paid to Nand Kishore as for Feb., 99	Rs. 800/-	4/36 2/30	
39.	17-3-99	Paid to Nand Kishore as per bill	Rs. 100/-	4/38	
40.	30-3-99	Amount to be Paid to Sri Vee Pale	Rs. 50/-	4/37	Does not paid to worker
41.	7-4-99	Paid to Anoop Kumar March, 99	Rs. 650/-	2/31, 4/39	Does not paid to worker
42.	17-4-99	Paid towards telephone	Rs. 673/-	4/40	
43.	11-5-99	Paid to Nand Kishore for May, 99	Rs. 500/-	4/42, 2/32	
44.	22-6-99	Paid to Nand Kishore for June, 99	Rs. 500/-	4/41	
45.	2-7-99	Paid for telephone bill	Rs. 783/-	4/43	
46.	2-7-99	Office stationary as per bill	Rs. 45/-	4/44	
47.	5-7-99	Payment for sweeper work to Nand Kishore	Rs. 500/-	4/46	
48.	14-7-99	Travelling Expenses to Nand Kishore	Rs. 30/-	4/45	
49.	17-7-99	Payment to Nand Kishore as per bill	Rs. 20/-	4/48	
50.	2-8-99	Payment for sweeping Nand Kishore for Aug. 99	Rs. 500/-	2/34	
51.	28-8-99	Payment to Nand Kishore sweeper		4/47	No signature on back.
52.	23-9-99	Conveyance	Rs. 50/-	4/50	
53.	25-9-99	Payment to Nand Kishore for part time work	Rs. 700/-	4/49	
54.	10-10-99	Conveyance Charges	Rs. 50/-	4/52	
55.	11-10-99	For payment as daily wage to Nand Kishore	Rs. 500/-	4/51	
56.	16-10-99	As per list	Rs. 1598/-	2/35	
57.	24-10-99	As per bill	Rs. 300/-	2/28	
58.	3-11-99	Paid to Nand Kishore	Rs. 20/-	2/36	

1	2	3	4	5	6
59.	5-11-99	Paid to Nand Kishore daily wages	Rs. 700/-	4/54	
60.	2-12-99	Paid to Nand Kishore cleaning charges	Rs. 800/-	4/56, 2/29	
61.	3-12-99	As per bill	Rs. 25/-	4/55	
62.	11-1-2000	Nand Kishore for Dec. 98	Rs. 700/-	2/37	
63.	16-2-2000	Paid to Nand Kishore daily wages	Rs. 700/-	4/59, 2/38	
64.	13-3-2000	Daily wages for March, 2000	Rs.700/-	4/57, 2/39	
65.	30-3-2000	As per bill enclosed	Rs. 30/-	4/58	
66.		Undated for	Rs. 785/-	2/53	
Management has filed following vouchers :					
1.	23-9-97	Payment for photostat to Nand Kishore	Rs. 28/-	33/1	
2.	6-10-97	Payment of sweeping to Nand Kishore	Rs. 500/-	33/2	
3.	20-12-97	"	Rs. 500/-	33/3	
4.	22-10-97	Payment to Nand Kishore as per enclosed list	Rs. 75/-	33/4	
5.	9-3-99	Payment to Nand Kishore Feb. 99	Rs. 800/-	33/5	
6.	25-3-99	March 99	Rs. 500/-	33/6	
7.	29-4-98	March 98	Rs. 500/-	33/7	
8.	9-6-98	"	Rs. 500/-	33/8	
9.	18-7-98	June 98	Rs. 600/-	33/9	
10.	24-8-98	"	Rs.150/-	33/10	
11.	23-9-98	Misc. Payment	Rs. 50/-	33/11	
12.	26-10-98	To Nand Kishore sweeping charges	Rs. 600/-	33/12	
13.	29-10-98	" Sept. 98	Rs. 600/-	33/13	
14.	5-11-98	" Oct. 98	Rs. 600/-	33/14	
15.	30-11-98	Daily wages for Nov. 98	Rs. 600/-	33/15	
16.	4-3-99	As per bill to Nand Kishore	Rs. 144/-	33/16	
17.	17-3-99	"	Rs. 100/-	33/17	
18.	17-4-99	Telephone bill	Rs. 653/-	33/18	
19.	17-4-99	Anop Kr. for March 99	Rs. 650/-	33/19	
20.	11-5-99	Amount paid to Nand Kishore for temp. working	Rs. 500/-	33/20	
21.	20-6-99	To Nand Kishore June 99	Rs. 500/-	33/21	
22.	5-7-99	Sweeping work to Nand Kishore	Rs. 500/-	33/22	
23.	14-7-99	Misc. Expn.	Rs. 30/-	33/23	
24.	28-8-99	Sweeping paid to Nand Kishore	Rs. 300/-	33/24	
25.	11-10-99	"	Rs. 500/-	33/25	
26.	3-2-99	Misc. Expenses	Rs. 29/-	33/26	
27.	3-12-99	"	Rs. 25/-	33/27	
28.	16-2-2000	Daily wages to Nand Kishore	Rs. 700/-	33/28	
29.	27-2-99	"	Rs. 800/-	33/29	
30.	13-3-2000	"	Rs. 700/-	33/33	

From pursuing all the vouchers filed by the parties it is made out that Nand Kishore was not a regularly appointed employee of the Oriental Bank of Commerce, Bijnore, instead he was a casual labour employed for sweeping and cleaning of the branch office, however, sometimes he was engaged for filling water in the cooler and also was sent occasionally for depositing the telephone bills etc. and whenever he has been sent by the Branch Manager he has been paid conveyance charges. The management of the bank has stated in para B of the written statement that the concerned workman was engaged casually in the exigeneies of work by the branch manager on daily wage basis due to the temporary increase in the work and he was never appointed against any permanent vacancy nor the branch manager has made permanent or regular appointment. It is true the branch manager has no authority to appoint any person in the permanent vacancy and he has no authority to make any person as permanent nor he can appoint any one in the regular service of sub staff cadre.

The management has stated in page 2 of the written statement that the voucher filed by the worker with the claim statement are not authenticated nor he has disclosed the source of obtaining them and in any case even if it is taken true that the copies of the originals, if any, the same cannot be read in evidence and can not be attested by the Notary and they have no evidenciary value and they are denied it is also stated that concerned workman is guilty of stealing and removing the vouchers photo copies of which have been annexed by him, if they are found to be taken true copy of the original, if any prepared by the bank. Accordingly he cannot be allowed to take the benefit or advantage of the same.

It is true that the worker has filed with his statement of claim the voucher Sl. No. 2/11 to 2/40 duly attested by the Notary of Distt. Bijnore. Worker has not stated in his statement of claim as to how he took the original voucher from the branch to Distt. Bijnore and unless the originals has been shown to the Notary, Noaery could not have attested worker in his rejoinder has written that the vouchers filed by the workman are true and genuine copies of their originals which are the record of the bank itself and has been provided to the workman by the branch manager himself during the course of employment of the workman. It is further written that it is very surprising that employer himself disputed its own document and particularly those documents through which they have made money transaction. These documents have till evidenciary value. However, it is well settled law that a person cannot force to disclose source of evidence in his defence and on basis of non disclosure of source, he cannot be denied the relief available to him under the law. Worker, in his evidence has not stated that he took the originals to the Notary for the attestation.

It is admitted fact that regular Safai Karmchari was appointed in the bank on 11-4-2000. Sri A.S. Malik has stated in his evidence on 27-5-2004 that

"अटेंडेन्स रजिस्टर के अनुसार नियमित सफाईकर्मी 11 अप्रैल, 2000 को आ गया था। हमारे यहां जो भी दैनिक वेतनभोगी रखे जाते हैं उनका हिसाब नहीं होता है और न ही रजिस्टर मेनटेन होता है यह सही है कि नन्द किशोर ने दैनिक वेतनभोगी के रूप में कार्य किया है फिर कहा प्रतिदिन 1½ घन्टे काम किया वेतन lump sum कार्य के अनुसार देते थे। जिस दिन के वाऊचर किसी सामान या अन्य मद के हैं उस दिन नन्द किशोर बैंक में काम करने आया"।

Sri A. S. Malik has also stated in his Examination in Chiefthat :

श्रमिक द्वारा प्रस्तुत किये गये । Photo copies 2/11 to 2/39 are admitted to him except paper no. 2/22, 2/23, 2/27, 2/28, 2/33, 2/36, which are not related to wages. He has not stated that vouchers are forged. Worker has stated in his examination in chief that whatever payment was given to him it was through voucher which are paper No. 4/3 to 4/59. Worker was cross-examined by the representative of the opposite party in which he has explained the voucher. No suggestation has been given by the representative of the opposite party that the voucher 4/3 to 4/59 are forged.

From the perusal of the all vouchers it is clear that initially he was paid Rs. 300 and subsequently the said wages were increased to Rs. 500, 600, 700 and 800. It is admitted fact that the worker was not engaged on 11-4-2000 and onwards and no casual worker has been engaged in the place of the workman. From the perusal of the voucher it is not made out that he has been awarded salary looking into the days he worked but monthwise meaning thereby that the worker has worked in the whole month for which he was paid a consolidated sum. The first payment is made through voucher 4/3 and 2/11 for 30 days on 9-8-97 i.e., for 30 days sweeping charges. Worker has alleged that he was engaged on 9-7-97 paper no. 4/3 and 2/11 and he was not on 9-8-97 Rs. 300 for 30 days. Similarly, he was paid Rs. 300 on 4-9-97. On 6-10-97 he was paid Rs. 500 3-11-97 he was paid Rs. 600 and 20-12-97 he was paid Rs. 500 Similarly Nand Kishore worker has been paid on15-1-99. 12-2-98, 25-3-98, 28-4-98, 9-6-98, 20-6-98, 18-7-98, 2-8-98, 24-8-98, 26-10-98, 29-10-98, 5-11-98, 30-11-98, 9-2-99, 9-3-99, 11-5-99, 22-6-99, 5-7-99, 2-8-99, 25-9-99, 11-10-99, 5-11-99, 2-11-99, 11-1-2000, 16-2-2000, 13-3-2000. Thus it is made out that the worker has not been paid in May 98, Dec. 98, Jan. 99 and April 99. Thus it is proved that the worker did work continuously from April 97 to March 2000 barring 4 months. From the record it is made out that he has been paid for the whole of the month. This is also made out from the voucher that barring 4 months the worker has worked for entire period.

The worker has been paid following amounts mentioned on the dates which shows that the worker worked for more than 240 days prior to his disengagement due to regular incumbent :

1.	11-5-99	Rs. 500
2.	22-6-99	Rs. 500
3.	5-7-99	Rs. 500
4.	2-8-99	Rs. 500
5.	25-9-99	Rs. 700
6.	11-10-99	Rs. 500
7.	5-11-99	Rs. 700
8.	2-12-99	Rs. 800
9.	11-1-2000	Rs. 700
10.	16-2-2000	Rs. 700
11.	13-3-2000	Rs. 700

The law does not discriminate between the regular employee and the casual employee and in the settled law is that in case the worker is terminated who has continuously worked in 12 calendar months before his termination for more than 240 days he can only be terminated by giving him notice or notice pay and compensation and in the present case it is proved that the worker has not been paid compensation or given notice pay notice before his disengagement. In the circumstances the termination of the service of the worker Nand Kishore is violative of Section 25 F of I. D. Act. The issue is therefore answered against the management and it is held that disengagements of the worker Nand Kishore w.e.f. 11-04-2000 is illegal and unjustified.

Next question comes as to what relief worker is entitled to the worker himself has admitted that after disengagement from the service he migrated to New Delhi where he was employed at Indira Gandhi Airport in Ujbekistan Air Lines in the salary of Rs. 1800 for 4 hours work. He has further stated that he worked there for 1½ months and thereafter he fell ill. He has tried to say that he joined the service in New Delhi in 2002. He has joined the service on better salary admittedly. No certificate has been produced by him from Ujbekistan Air Lines as to when he joined and when he left and what was his salary. The worker stopped coming to court after 22-6-2004 this goes to show that he is gainfully employed elsewhere. In the circumstances the worker is not entitled to any back wages. But since he has been terminated illegally therefore in case he reports to duty in the bank within 2 months of publication of award he will be reinstated on the service conditions which existed prior to his termination. In case the management has employed a regular employee the management of the Bank is at liberty to dispense the services of the worker after complying the provisions given in I.D. Act.

Lucknow
3-4-2006 SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 10 अप्रैल, 2006

का.आ. 1738.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विजया बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 70/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-4-2006 को प्राप्त हुआ था।

[सं. एल-12012/207/92-आई.आर. (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 10th April, 2006

S.O. 1738.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 70/2003) of the Central Government Industrial-cum-Labour Court, Nagpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Vijaya Bank and their workmen, which was received by the Central Government on 7-4-2006.

[No. L-12012/207/92-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NAGPUR

PRESENT: SHRI A. N. YADAV, PRESIDING OFFICER

CASE No. CGIT/NGP/70/2003 Date 21-03-2006

Shri P. M. Kulkarni —Petitioner

V/s.

The Vijaya Bank —Respondent

AWARD

Delivered on this 21st day of March, 2006

The Central Government, Ministry of Labour, New Delhi, in exercise of the powers conferred by clause (d) of Sub-section (1) and sub-section 2(a) of Section 10 of the Industrial Disputes Act, 1947 has referred this dispute for adjudication *vide* Order No. L-12012/207/1992-IR(B-II) dtd. 30-10-1992 on following schedule :

"Whether the action of the Management of Vijaya Bank, Nagpur by disallowing Shri P. M. Kulkarni to work on the post of Special Assistant is justified? If not, to what relief is the workman entitled?"

The above dispute came for hearing on 21-03-2006 before the Presiding Officer Shri A. N. Yadav and the following order is passed :

"On behalf of Party No. I Shri P.M. Kulkarni, Vice President of Vijaya Bank Employees Association has filed a pursis that he does not want to proceed with the reference and want to draw the same. The counsel for the Party No. II, i.e., Vijaya Bank gave no objection to allow to withdraw the claim. It appears that they have settled the dispute and since the work of the aggrieved person has been changed. The Respondent is allowing him to work as a Special Assistant. In view of the Pursis, the claim is settled. Hence allowed to withdraw the same. The reference stands on disposed of. It is dismissed. No orders as to cost.

Copies of the award be sent to the Ministry of Labour, Government of India as per rules.

A. N. YADAV, Presiding Officer

नई दिल्ली, 10 अप्रैल, 2006

का.आ. 1739.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार विजया

बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बैंगलौर के पंचाट (संदर्भ संख्या 131/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-4-2006 को प्राप्त हुआ था।

[सं. एल-12012/161/95-आई आर (बी II)]
सी. गंगाधरण, अवर सचिव

New Delhi, the 10th April, 2006

S.O. 1739.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 131/97) of the Central Government Industrial Tribunal-Cum-Labour Court, Bangalore as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Vijaya Bank and their workmen, which was received by the Central Government on 7-4-2006.

[No. L-12012/161/95-IR (B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated : 21st March 2006

PRESENT : Shri A.R. Siddiqui Presiding Officer

C.R. No. 131/1997

I Party

The General Secretary,
Vijaya Bank Workers' Organisation,
No. 37/1, Car Street, Ulsoor,
Bangalore-560 008.

II Party

The Chairman & Managing Director,
Vijaya Bank,
Head Office, M. G. Road,
Bangalore-560 001.

APPEARANCES:

I Party : Shri B. D. Kuttappa, Advocate

II Party : Shri B. C. Prabhakar, Advocate.

AWARD

1. The Central Government by exercising the powers conferred by Clause (d) of Sub-section (1) and Sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute *vide* Order No. L-12012/161/95-IR (B-II) dated 24-4-1996 for adjudication on the following Schedule :

SCHEDULE

"Whether the action of the management of Vijaya Bank, Bangalore in imposing the punishment of stoppage of two increments permanently on Shri A shw iniD ubey, Clerk *vide* order dated 31-5-1991 is legal and justified? If not, what relief is the said workman entitled to?"

2. The I Party represented through the General Secretary, Vijaya Bank Workers' Organisation filed his claim statement in support of the points of reference and the claim was registered by the II Party by filing a Counter Statement.

3. When the matter stood for Arguments on Domestic Enquiry, it was taken up before the Lok-Adalat and both the parties being representing through their respective representatives and counsels have settled the matter out of Court and filed a Joint Memo to pass award accordingly in terms of the said memo. Hence, the following award.

4. Reference is partly allowed in terms of the Joint Memo as under :

"1. It is agreed by the Second Party that the punishment of stoppage of two increments inflicted on the first party will be reduced to stoppage of one increment permanently from the date of imposition of punishment.

2. It is agreed between the parties that the Second Party shall pay 50% of the arrears of salary (in respect of one increment) to the first party till the date of reaching stagnation of pay scale by the first party.

3. The first party Union and the workman have agreed to the terms mentioned in Paragraphs 1 & 2 above in full and final settlement of all the claims made in the above dispute.

4. With this Settlement, the claims made by the first party against the second party, are fully settled, leaving no claims whatsoever against the second party."

(Dictated to LDC, transcribed by him, corrected and signed by me on 21st March, 2006)

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 10 अप्रैल, 2006

का. आ. 1740.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय, अजमेर के पंचाट (संदर्भ संख्या 4/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-4-2006 को प्राप्त हुआ था।

[सं. एल-12011/245/2002-आई आर (बी-II)]
सी. गंगाधरण, अवर सचिव

New Delhi, the 10th April, 2006

S.O. 1740.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 4/2003), of the Industrial Tribunal/Labour Court, Ajmer as shown in the Annexure, in the industrial dispute between the management of Union Bank of India and their workmen, received by the Central Government on 7-4-2006.

[No. L-12011/245/2002-IR (B-II)]
C. GANGADHARAN, Under Secy.

अनुबन्ध

न्यायालय श्रम एवं औद्योगिक न्यायाधिकरण, अजमेर (राज.)

पीठासीन अधिकारी : श्री जी.एस. शेखावत, आर एच जे एस

प्रकरण संख्या—सी.आई.टी.आर. 4/2003

[रेफरेंस नं. एल-12011/245/2002-आई.आर. (बी-II) दिनांक 31-3-2003]

दी जनरल सैक्रेट्री,
यूनियन बैंक ऑफ एंपलाईज
यूनियन (राज.),
49, रघुविहार, महारानी फार्म दुर्गापुरा,
जयपुर .....प्रार्थी

बनाम

दी जनरल मैनेजर,
यूनियन बैंक ऑफ इंडिया,
एस.डी.एम. हॉस्पीटल परिसर,
रीजनल ऑफिस बापूनगर,
जयपुर .....अप्रार्थी

उपस्थित : श्री आर.सी.जैन, विद्वान प्रतिनिधि .....प्रार्थी

: श्री गणेशी लाल अग्रवाल, विद्वान अधिवक्ता .....अप्रार्थी

दिनांक 2-3-2006

अवार्ड

केंन्द्र सरकार द्वारा प्रेषित विवाद निम्न प्रकार है :-

"Whether the action of the Deputy General Manager, Union Bank of India, Regional Office, Jaipur in ordering recovery of two additional increments granted to Shri Pema Ram Cashier S/o Sh. Mana Ram from June 1995 is legal and justified? If not, what relief is the workman concerned entitled to?"

नोटिस के उपरांत उभयपक्ष उपस्थित आये। महासचिव यूनियन ने क्लेम के विवरण में अंकित किया है कि प्रार्थी यूनियन विपक्षी बैंक में कार्यरत कर्मचारियों का प्रतिनिधि संगठन है तथा प्रार्थी पेमाराम यूनियन का सदस्य है। श्री पेमाराम द्वारा जून 95 में साहित्य सुधाकर परीक्षा उत्तीर्ण करने पर बैंक के आदेश क्रं. 1208/96 दि. 13-2-96 द्वारा उसे दो अतिरिक्त वेतनवृद्धियां स्वीकृत की गयी थी उसके पश्चात् पेमाराम को नियमित रूप से वेतनवृद्धियां दी जाती रहीं। पेमाराम को विपक्षी बैंक के क्षेत्रीय कार्यालय, जयपुर से दि. 2-6-2001 का एक पत्र 9-11-2001 को प्राप्त हुआ जिसका उत्तर श्रमिक द्वारा 13-11-2001 को दे दिया गया। अप्रैल 2002 का वेतन पेमाराम को दी गयी अतिरिक्त वेतनवृद्धियों सहित किया गया। अप्रैल 2002 में पेमाराम का मूल वेतन रु. 7920 था। प्रतिपक्षी बैंक के क्षेत्रीय कार्यालय, जयपुर द्वारा दि. 23-4-2002 को शाखा प्रबंधक, बासनी, जोधपुर को एक पत्र लिखा जिसके अनुसार पेमाराम का मूल वेतन 7920 के स्थान पर रु.7160 मई 2001 से किये जाने का उल्लेख था। इसी पत्र में पेमाराम को मई 2002 में देय वार्षिक वेतनवृद्धियां रु. 380 स्वीकृत करते उसका मूल वेतन रु. 7540 किये जाने का उल्लेख किया गया। इसी पत्र में प्रतिपक्षी बैंक के क्षेत्रीय कार्यालय के पत्र 5615/02 दि. 6-2-2002 का भी उल्लेख किया गया था किंतु यह पत्र पेमाराम को 5-7-2002 को दिया गया। इस पत्र द्वारा पेमाराम को जून 95 से स्वीकृत दो अतिरिक्त वार्षिक वेतनवृद्धियां निरस्त किये जाने व इसके आधार पर जून 95 से अधिक भुगतान किये गये वेतन की वसूली के आदेश जारी किये गये। उक्त आदेश दि. 6-2-2002 पूर्णतः अनुचित और अवैध हैं क्योंकि पेमाराम द्वारा जून 95 में साहित्य सुधाकर की जो परीक्षा उत्तीर्ण की थी उसका बैंक प्रशासन द्वारा स्नातक परीक्षा समकक्ष मानते हुए दो अतिरिक्त वेतनवृद्धियां स्वीकृत की गयी थी। इसी प्रकार अन्य कर्मचारियों को भी मुंबई हिंदी विद्यापीठ के अतिरिक्त अन्य कई संस्थानों द्वारा आयोजित परीक्षा के उत्तीर्ण करने पर मैट्रिक/इंटर/स्नातक के समकक्ष मानते हुए बैंक के अन्य कर्मचारियों को पदोन्नति एवं वेतनवृद्धियों का लाभ बैंक द्वारा दिया जाता रहा है। प्रार्थी ने बैंक के साथ कभी कोई छल-कपट नहीं किया न ही कोई गलत तथ्य प्रस्तुत किया। प्रतिपक्षी ने उक्त आदेश पारित करने से पूर्व धारा 9ए औद्योगिक विवाद अधिनियम के अंतर्गत कोई नोटिस जारी नहीं किया। यूनियन ने सहायक श्रम आयुक्त, अजमेर के समक्ष इस विवाद को दि. 3-5-02 को उठा लिया था जिसकी जानकारी बैंक को होने के बाद 5-7-2002 को दि. 6-2-2002 की पूर्वगामी तारीख डालते हुए आदेश दिया। इस प्रकार धारा 33(1) औद्योगिक विवाद अधिनियम का भी उल्लंघन किया गया है। यह अनुचित श्रम अभ्यास है। अंत में उक्त आदेश को अवैध घोषित कर भविष्य में भी पूर्ववत् वेतनवृद्धियां जारी रखे जाने के आदेश पारित करने की प्रार्थना की है।

प्रतिपक्षी ने क्लेम के उत्तर में अंकित किया है कि प्रार्थी यूनियन ट्रेड यूनियन एक्ट के अंतर्गत पंजीकृत संस्था नहीं है अतः किसी कर्मचारी की ओर से औद्योगिक विवाद प्रस्तुत करने एवं पैरवी करने का अधिकार विधिक रूप से नहीं होता है। यूनियन को फार्म "ए" प्रस्तुत करना आवश्यक था। यूनियन ने अपने मिनिट्स बुक अथवा उसकी प्रमाणित प्रति भी क्लेम के साथ प्रस्तुत नहीं की जिसके अनुसार जनरल सैक्रेट्री को विवाद उठाने का अधिकार दिया गया है। महासचिव श्री सी. एस. दुबे बैंक के एक बर्खास्त कर्मचारी हैं। प्रस्तुत

विवाद औद्योगिक विवाद की परिधि में नहीं आता यह एक कर्मचारी की व्यक्तिगत नाराजगी का मामला होने से औद्योगिक विवाद की परिधि में नहीं लाया जा सकता। अत: इस संबंध में आवश्यक बिंदु बनाये जाकर विवाद की घोषणीयता के संबंध में निर्णय पारित करने की प्रार्थना की है। आगे अंकित किया है कि साहित्य सुधाकर परीक्षा मई हिंदी विद्यापीठ से जो पेमाराम ने उत्तीर्ण की है वह हिंदी स्तर के प्रयोजन से ही स्नातक की डिग्री है न कि मान्यता विश्वविद्यालय की, पूर्ण स्नातक डिग्री के समकक्ष। पेमाराम को दी गयी अतिरिक्त वेतन वृद्धि का आदेश मिस्टेक ऑफ फैक्ट्स एवं रांग एक्जंप्शन ऑफ फैक्टस के कारण गलत रूप से पारित किया गया था जिसका सही ज्ञान होने पर विधि अनुसार आदेश को निरस्त करने की कार्यवाही की गयी है। संबंधित शाखा से क्षेत्रीय कार्यालय का पत्र दि. 6-2-2002 को प्रार्थी को दि. 5-7-02 को दिया गया है। स्वैच्छिक हिंदी संस्था द्वारा संचालित हिंदी परीक्षाओं को स्थाई मान्यता प्रदान करने के संबंध में भारत सरकार के शिक्षक एवं युवक सेवा मंत्रालय, नयी दिल्ली द्वारा सभी राज्य सरकारों एवं संघीय क्षेत्रों के शिक्षक सचिवों को एक प्रेस विज्ञप्ति दि. 18-2-70 जारी की गयी जिसमें स्पष्ट अंकित है कि मान्यता केवल समकक्ष परीक्षा के लिए निर्धारित हिंदी के स्तर तक ही सीमित है और इसे पूर्ण डिग्री परीक्षा के बराबर नहीं माना जावेगा। भारत सरकार के केंद्रीय हिंदी निदेशालय, नयी दिल्ली ने भी इसी आशय का एक पत्र दि. 17-9-2001 को भारतीय बैंक संघ को सूचित करते हुए जारी किया गया है। प्रतिपक्षी बैंक के केंद्रीय कार्यालय में अपने पत्र दि. 11-12-2000 के साथ उक्त स्पष्टीकरण प्रेस नोट और मान्यताप्राप्त हिंदी परीक्षा की सूची दि. 5-5-88 क्षेत्रीय कार्यालय, जयपुर को प्रेषित की है। इनकी मान्यता बाबत स्थिति को स्पष्ट किया है। प्रतिपक्ष बैंक ने 2-6-01 का नोटिस प्रदर्श एम-5 पेमाराम को जारी किया तथा केंद्रीय कार्यालय, मुंबई से दिशा निर्देश लिये गये। पेमाराम द्वारा उक्त कारण बताओ नोटिस का जवाब 13-11-2001 को प्रदर्श एम-6 दिया अत: प्रतिपक्षी बैंक ने पत्र दि. 6-2-2002 द्वारा उक्त आदेश पारित किया है। प्रतिपक्षी बैंक गलत रूप से दी गयी राशि पेमाराम से वसूल करने का अधिकारी है। दि. 6-2-02 का पत्र नियत तारीख को जारी किया गया था किंतु पेमाराम को इसका ज्ञान होने पर वहीं पड़ा रखा और प्राप्त नहीं किया। प्रार्थी स्वयं ने बैंक द्वारा जारी पत्र 23-4-02 प्रदर्श-4 के रूप में विवाद उठाते समय समझौता अधिकारी के समक्ष प्रस्तुत किया है और उसके पश्चात् प्रार्थी ने यह पत्र प्राप्त किया है। अंत में वसूली की कार्यवाही विधि-सम्मत् होना उल्लेख किया है। अंत में क्लेम निरस्त करने की प्रार्थना की है।

प्रार्थी ने अपने क्लेम की संपुष्टि में महासचिव चंद्रशेखर दुबे का शपथ पत्र प्रस्तुत कर प्रतिपरीक्षण करवाया है। प्रलेखीय साक्ष्य में प्रदर्श डब्लू. 1 से 5 प्रलेखों की प्रतियां प्रस्तुत की है। प्रतिपक्षी की ओर से शंभूसिंह शाखा प्रबंधक का शपथ पत्र प्रस्तुत कर प्रतिपरीक्षण करवाया है। प्रलेखीय साक्ष्य में प्रदर्श एम-1 से 8 एवं प्रदर्श एम-8ए प्रदर्शित करवाकर प्रस्तुत किये हैं।

उभयपक्ष का श्रवण किया, पत्रावली का अवलोकन किया। प्रार्थी के विद्वान अभिभाषक ने निम्न दृष्टांत प्रस्तुत किये :-

I. 2003 (97) एफएलआर 1110,

2. 1974 लैब आई सी 1275 एस.सी.,

3. 1975 (31) एफएलआर 178 (एस.सी.),

4. एस.बी. सिविल रिट पिटीशन नं. 1940, 2000 दि. 13-10-2000,

5. डी.बी. सिविल अपील नं. 26/90 विरूद्ध एस.बी. रिट पिटीशन 3780/89 दि. 26-4-93,

6. 2005 लैब आई सी 2254 (एस.सी.),

7. 1987 11 एनएलएन 167,

8. 1984 (68) एफएलआर 701 (कलकत्ता),

प्रतिपक्षी के विद्वान अभिभाषक ने निम्नांकित दृष्टांत प्रस्तुत किया है :-

I. 1995 (3) डब्ल्यू एल सी (राज.) 61

प्रतिपक्षी के विद्वान अभिभाषक का यह तर्क है कि यूनियन बैंक के एक कर्मचारी के विवाद को इस प्रकार से नहीं उठा सकती। महासचिव श्री चंद्रशेखर दुबे को अधिकृत करने के संबंध में कोई प्रस्ताव पारित नहीं किया गया। उनका तर्क है कि यह औद्योगिक विवाद की परिभाषा में नहीं आता। मेरे विनम्र मत में उक्त तर्क निरर्थक है क्योंकि इस संबंध में कोई विवाद केंद्र सरकार की ओर से प्रेषित नहीं किया गया अत: इन बिंदुओं को यहां निर्णीत करना आवश्यक नहीं है।

प्रस्तुत प्रकरण में सर्वाधिक महत्वपूर्ण बिंदु यह है कि पेमाराम को दी गयी अतिरिक्त दो वेतन वृद्धियां वापस लेकर वसूली के आदेश पारित कर धारा 9ए औद्योगिक विवाद अधिनियम के अंतर्गत सेवा शर्तों में परिवर्तन है अथवा नहीं तथा यदि सेवा शर्तों में परिवर्तन है तो क्या आदेश देने से पूर्व धारा 9ए के अंतर्गत वांछित प्रैस्क्राईब्ड नोटिस जारी किया गया था या नहीं। यह स्वीकृत तथ्य है कि प्रार्थी द्वारा साहित्य सुधाकर की परीक्षा मुंबई हिंदी विद्यापीठ मुंबई से जून 95 में उत्तीर्ण कर लेने पर दो अतिरिक्त वेतन वृद्धियां स्वीकृत की गयीं थीं तब से ही पेमाराम निरंतर अग्रिम वेतन वृद्धियां प्राप्त करता रहा और अप्रैल 2002 का वेतन उसे दी गयी अतिरिक्त वेतन वृद्धियों सहित दिया गया। उसके पश्चात् विवादित आदेश पारित किया गया है। अतिरिक्त वेतन वृद्धियों पर मंहगाई भत्ता और एच.आर.ए. तथा पी. एफ. देय होता है। अतिरिक्त वेतन वृद्धियां वापस लेने पर मूल वेतन मंहगाई भत्ता और पी.एफ. और एच.आर.ए. कम हो जाता है। औद्योगिक विवाद अधि. सूची 4 के अंतर्गत वेजेज और अन्य भत्तों में यह सम्मिलित होने के कारण धारा 9ए के अंतर्गत नोटिस दिया जाना आवश्यक है। यह नोटिस निर्धारित तरीके से सेवा शर्तों में प्रस्तावित परिवर्तन का उल्लेख करते हुए दिया जाना आवश्यक है और ऐसे नोटिस देने के इक्कीस दिन के अंदर सेवा शर्तों में कोई परिवर्तन नहीं किया जा सकता। औद्योगिक विवाद नियमों में यह उल्लेख है कि धारा 9ए के अंतर्गत सेवा शर्तों में परिवर्तन का नोटिस फार्म-ई में दिया जावेगा। उक्त फार्म ई के साथ एक अनेक्सचर भी प्रेषित किया जावेगा जिसमें सेवा शर्तों में परिवर्तन के प्रस्ताव का उल्लेख होगा और इसकी प्रति रजिस्टर्ड ट्रेड यूनियन के सैक्रेट्री, असिस्टेंट लेबर कमिश्नर, क्षेत्रीय लेबर कमिश्नर और चीफ लेबर कमिश्नर को प्रेषित की जावेगी। यह नोटिस मैनेजर के ऑफिस के मेन-एंटेंस पर नियोजक के नोटिस बोर्ड

पर चिपका दी की जायेगी तथा एक प्रति रजिस्टर्ड ट्रेड यूनियन के सैक्रेट्री को रजिस्टर्ड पत्र से सर्व करवायी जावेगी। प्रस्तुत मामले में 2-6-2001 का असिस्टेंट जनरल मैनेजर का एक मेमोरंडम केवल पेमाराम को दिया गया और उसका उत्तर पेमाराम द्वारा प्रस्तुत करने पर विवादित पत्र जारी किया गया है। इस प्रकार स्पष्ट है कि फार्म ई में निर्धारित तरीके से नोटिस जारी नहीं किया गया न ही इस नोटिस को नियोजक के मैनेजर के बाहर नोटिस बोर्ड पर चिपका दिया गया न ही नोटिस संबंधित यूनियन के सैक्रेट्री और अन्य केंद्र सरकार के अधिकारियों को प्रति दी गयी। इस प्रकार स्पष्ट है कि पेमा राम को दिया गया नोटिस निर्धारित तरीके से धारा 9ए के अंतर्गत नहीं दिया गया। मेरे विनम्र मत में दी गयी अतिरिक्त वेतनवृद्धियों को आपस लेने और वसूली के आदेश देना चतुर्थ सूची के अंतर्गत सेवा शर्तों में परिवर्तन है जिसके लिये धारा 9ए के अंतर्गत प्रैस्क्राईब्ड तरीके से नोटिस दिया जाना आवश्यक है, ऐसा कोई नोटिस नहीं दिया गया। अतः बिना नोटिस सेवा शर्तों में परिवर्तन नहीं किया जा सकता। प्रतिपक्षी के विद्वान अभिभाषक द्वारा प्रस्तुत दृष्टांत निबंधन एस्टोपल के संबंध में है, धारा 9ए औद्योगिक विवाद अधिनियम के संबंध में नहीं है अतः प्रस्तुत प्रकरण में लागू नहीं किया जा सकता। इसके विपरीत प्रार्थी के विद्वान अभिभाषक द्वारा प्रस्तुत दृष्टांत 2003 (97) एफएल आर 1110 और 974 लैब आई सी 1275 प्रस्तुत प्रकरण में भली-भांति लागू होता है अतः उक्त वसूली का आदेश अवैध घोषित कर निरस्त होने योग्य है।

आदेश

फलतः प्रस्तुत विवाद का उत्तर इस प्रकार से दिया जाता है कि डिप्टी जनरल मैनेजर, यूनियन बैंक ऑफ इंडिया, रीजनल ऑफिस, जयपुर द्वारा पेमाराम कैशियर पुत्र मन्माराम को जून 1995 से दी गयी दो अतिरिक्त वेतन वृद्धियों की वसूली का आदेश अनुचित एवं अवैध है। क्योंकि उक्त आदेश से सेवा शर्तों में परिवर्तन होने के कारण धारा 9ए औद्योगिक विवाद अधिनियम के अंतर्गत फार्म ई में निर्धारित तरीके से नोटिस जारी किया जाना आवश्यक था, जो आदेश से पूर्व जारी नहीं किया गया। अतः उक्त वसूली के आदेश को अपास्त किया जाता है।

जी.एस. शेखावत, न्यायाधीश

नई दिल्ली, 10 अप्रैल, 2006

का. आ. 1741.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एलआईसी आफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय, उदयपुर (राजस्थान) के पंचाट (संदर्भ संख्या 6/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-4-2006 को प्राप्त हुआ था।

[सं. एल-17012/9/2003-आई आर (बी I)]
अजय कुमार, डैस्क अधिकारी

New Delhi, the 10th April, 2006

S.O. 1741.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. No. 6/2003 of the Industrial Tribunal/Labour Court, Udaipur (Rajasthan) now as shown in the Annexure, in the industrial dispute between the employers in relation to tbe management of LIC of India and their workmen, which was received by the Central Government on 10-4-2006

[No. L-17012/9/2003-IR (B-I)]
AJAY KUMAR, Desk Officer

अनुबन्ध

औद्योगिक विवाद अधिकरण एवं श्रम न्यायालय, उदयपुर (राज.) पीठासीन अधिकारी—उषा अग्रवाल, आर.एच.जे.एस.

प्रकरण सं. 6/2003 श्रम वाद

श्री राजेन्द्र कुमार पिता अम्बालालजी सनाढ्य द्वारा श्रीकान्तजी सनाढ्य हस्तीनापुर कॉलोनी, कांकरोली जिला राजसमन्द

—प्रार्थी/श्रमिक

विरुद्ध

श्री वरिष्ठ मण्डल प्रबन्धक,
भारतीय जीवन बीमा निगम, उदयपुर

—विपक्षी/नियोजक

उपस्थित :—

प्रार्थी की ओर से : श्री प्रदीप पालीवाल,

विपक्षी की ओर से : सुश्री बीना माथुर

पंचाट

दिनांक 18-03-2006

भारत सरकार के श्रम मंत्रालय की अधिसूचना नं. एल. 17012/9/2003-आई आर (बी.1) न्यू देहली दिनांक 23 मई, 2003 के द्वारा निम्न अधिसूचना इस न्यायालय को अधि- निर्णय हेतु प्रेषित की गई :—

"Whether the action of the management of Life Insurance Corporation of India, Udaipur in terminating the service of Shri Rajendra Kumar Sandhya is justified? If not to what relief the disputant is entitled?"

उक्त आशय का प्रसंग प्राप्त होने पर न्यायालय द्वारा दिनांक 17-06-03 को नियमित श्रम वाद संख्या 06/03 दर्ज रजिस्टर किया जाकर पक्षकारान को नोटिस जारी किये गये जिस पर प्रार्थी की ओर से क्लेम व विपक्षी की ओर से जवाब पेश किया गया।

प्रार्थी की ओर से प्रस्तुत क्लेम के तथ्य संक्षेप में इस प्रकार हैं कि :—

विपक्षी नियोजक है और प्रार्थी उसके अधीन नियोजित श्रमिक है। विपक्षी द्वारा उदयपुर मण्डल के अधीन सी. ए. बी. ब्रांच देहली गेट यूनिट प्रथम, चेल्स सर्कल यूनिट द्वितीय, बांसवाडा, डूंगरपुर, नाथद्वारा,

राजसमन्द आदि स्थानों पर बीमे का कार्य किया जाता है और इन स्थानों पर विपक्षी का नियन्त्रण है तथा यहां रखे जाने वाले सभी कर्मचारियों का नियोक्ता है।

प्रार्थी की नियुक्ति कनिष्ठ लिपिक के पद पर विपक्षी के अधीन दिनांक 17-2-1997 को राजसमन्द शाखा में लगभग 3250/- रुपये मासिक में की गई थी और तब से प्रार्थी विपक्षी को अपनी संतोषप्रद सेवाएं प्रदान की। प्रार्थी की नियुक्ति विधिवत् नियोजक कार्यालय से आशार्थियों के नाम आमंत्रित कर यथोचित साक्षात्कार, टंकण परीक्षा आदि के पश्चात् की गई थी। विपक्षी के अपने कोई सेवा नियम नहीं हैं तथा प्रार्थी की सेवाओं के सम्बन्ध में औद्योगिक नियोजन (स्थाई आदेश) अधिनियम, 1946 के अन्तर्गत केन्द्रीय नियमों के अन्तर्गत स्थाई आदेश प्रभावी है क्योंकि 13 बी के अन्तर्गत उक्त अधिनियम के प्रावधानों के अनुसार कोई विज्ञप्ति प्रसारित नहीं की गई। स्थाई आदेश/सेवा नियमों के अनुसार तीन माह की सेवा के पश्चात् प्रार्थी को स्थायी कर दिया जाना था और सम्पूर्ण भत्तो सहित वेतन प्रदान कर दिया जाना था जिसकी मांग प्रार्थी द्वारा की गई और प्रार्थी को उक्त लाभ देने के स्थान पर विपक्षी उससे नाराज हो गये तथा प्रार्थी को दिनांक 16-6-1997 को सेवा से पृथक कर दिया गया, जबकि प्रार्थी को किसी प्रकार का कारण नहीं बताया गया तथा सेवा समाप्ति से पूर्व विपक्षी के अधीन कार्यरत प्रार्थी के समान लिपिकों की धारा 25 जी व नियम 77 के अन्तर्गत सूची प्रदर्शित नहीं की गई। प्रार्थी श्रमिक के पश्चात् नियोजित सतीश कुमार, मागीलाल गुर्जर, श्रवणलाल आदि को विपक्षी द्वारा नई नियुक्तियां दी गईं व प्रार्थी के पश्चात् नियोजित श्रमिक उस दिन सेवारत थे। प्रार्थी ने दिनांक 17-2-1997 से 16-6-1997 तक पूरे तीन माह की संतोषप्रद सेवाएं प्रदान की। प्रार्थी द्वारा की गई सेवा अवधि से संदर्भ में प्रार्थी को कोई क्षतिपूर्ति राशि प्रदान नहीं की। इसलिए निवेदन किया है कि प्रार्थी को पुन: निरन्तर, वरीयता, लाभों सहित पुर्ननियुक्त कराया जावे।

विपक्षी ने अपने जबाब में यह अंकित किया है कि प्रार्थी ने विपक्षी के अधीन अस्थाई सहायक के तौर पर दिनांक 17-2-1997 से 16-6-1997 तक उक्त 120 दिनों के लिए अस्थाई तौर पर कार्य किया था। नियुक्ति पत्र में दी गई शर्तों के तहत दिनांक 16-6-1997 को उसकी सेवाएं स्वत: समाप्त हो गई थी। अत: प्रार्थी और विपक्षी के मध्य नियोजक श्रमिक से सम्बंध नहीं है। प्रार्थी की नियुक्ति अस्थाई सहायक के पद पर निर्धारित अवधि के लिये दी गई थी जो एक सीमित समय के लिये नियोजन की श्रेणी का था। यह नियुक्ति नियोजन कार्यालय से नाम मंगा कर की गई है तथा यह नियुक्ति माननीय उच्चतम न्यायालय के जे. टी. 1992 (5) 179 स्टेट बैंक आफ हरियाणा बनाम प्यारासिंह के तहत दी गई गाईड लाईन के तहत बनाये गये भारतीय जीवन बीमा निगम (अस्थाई कर्मचारियों की भर्ती) अनुदेश, 1993 के तहत की गई थी। नियुक्ति पत्र में अस्थाई सहायक पद अंकित किया गया था, नियुक्ति की अवधि दिनांक 17-2-1997 से 16-6-97 तक कुल 120 दिनों के लिये कार्य ग्रहण से दी गई थी। प्रार्थी को देय मजदूरी 3114.15 पैसे प्रतिमाह देय होना भी नियुक्ति पत्र में दिया गया था। तयशुदा वेतन से अधिक अन्य लाभ देने का कोई कारण भी नहीं था। प्रार्थी की नियुक्ति पत्र में सभी नियमों का हवाला दिया गया था। प्रार्थी की नियुक्ति पत्र उक्त अनुदेश 1993 के तहत की गई थी अत: प्रार्थी को तीन माह की सेवा के पश्चात् स्थाई कर दिया जाना या सम्पूर्ण भत्ता सहित वेतन प्रदान किया जाने का कोई प्रश्न ही नहीं था। नियुक्ति पत्र में यह स्पष्ट था कि यदि नियुक्ति पत्र में दी गई शर्तें यदि प्रार्थी को मंजूर हो तो अपनी उपस्थिति विपक्षी के कार्यालय में देवे। प्रार्थी ने दिनांक 22-1-1997 को लिख कर दिया कि वे अस्थाई पद के आधार पर विपक्षी ने स्थाई पद हेतु अपना दावा पेश नहीं करूँगा। प्रार्थी को अस्थाई नियोजन में काम दिया। तयशुदा शर्तों के विपरीत कोई कथन करने को प्रार्थी को विधित: अधिकार प्राप्त नहीं है। प्रार्थी ने एक ही कलेण्डर वर्ष में 250 दिन की सेवाएं विपक्षी के कार्यालय में नहीं दी थी। विशेष कथन में यह अंकित किया कि प्रस्तुत प्रकरण में दिनांक 26-2-2001 को हुए समुचित सरकार के निर्देश को प्रार्थी के द्वारा माननीय उच्च न्यायालय जोधपुर द्वारा रिट पिटीशन सं. 2514/02 में चुनौती दी गई जिसमें दिनांक 25-2-2003 को पुन: नये रेफरेन्स के लिये समुचित सरकार के पास भेजा गया तत्पश्चात् ये रेफरेन्स किया गया। प्रार्थी ने 240 दिन की निरन्तर सेवाएं विपक्षी के यहां नहीं दी अत: उसका मामला अवैध सेवा मुक्ति की श्रेणी में नहीं आता है व औ. वि. अधि. के प्रावधान लागू नहीं होते हैं। विपक्षी द्वारा दिये गये "अस्थाई सहायक" के लिए नियुक्ति पत्र में दी गई शर्तों के विपरीत कथन करने से प्रार्थी पूर्णत: विर्बाधित है। इसलिये प्रार्थी को प्रार्थना पत्र मय खर्चे के खारिज किये जाने का निवेदन किया।

प्रार्थी ने अपने क्लेम के समर्थन में स्वयं का शपथ पत्र पेश किया व विपक्षी की ओर से लोकेश मूंदडा, प्रशासनिक अधिकारी, भारतीय जीवन बीमा निगम का शपथ पत्र पेश हुआ। दोनों पक्षों ने एक दूसरे से जिरह की व संबंधित दस्तावेज को प्रदर्शित कराया।

उभय पक्षकारों की बहस सुनी गई। पत्रावली का अवलोकन किया गया।

अब हमें यह देखना है कि क्या प्रार्थी श्रमिक को विपक्षी द्वारा सेवा से पृथक किया जाना उचित एवं वैध है?

प्रार्थी ने साक्ष्य स्वरूप प्रस्तुत शपथ पत्र में यह अभिकथन किया है कि विपक्षी के यहां कनिष्ठ लिपिक (सहायक) के पद पर दिनांक 17-2-1997 को 3214/-रुपये मासिक में नियुक्ति हुई थी। जो आदेश प्रदर्श-1 है। मुझे विपक्षी द्वारा दिनांक 16-6-1997 के पश्चात् सेवा से पृथक कर दिया गया जबकि मेरे पश्चात् नियोजित व्यक्ति कार्यरत थे। सेवा से हटाने के पश्चात् विवाद प्रदर्श-2 प्रस्तुत किया जिसमें विपक्षी ने प्रदर्श-3 उत्तर प्रस्तुत किया जिसका प्रत्युत्तर प्रदर्श-4 मैंने पेश किया। विपक्षी द्वारा समझौता वार्ता में सहायोग नहीं देने के कारण प्रदर्श-5 असफलता प्रतिवेदन 21-12-2000 को केन्द्रीय श्रम विभाग को प्रेषित किया। मैं सेवा समाप्ति के दिन से बेरोजगार हूं। मेरी सेवाएं औ. वि. कानून के विरुद्ध समाप्त की गई है। प्रार्थी ने अपने प्राथनांपत्रों के अन्य तथ्यों को भी इस शपथ पत्र में दोहराया है।

विपक्षी प्रतिनिधि द्वारा की गई जिरह में प्रार्थी ने यह बयान दिया है कि प्रदर्श-1 नियुक्ति पत्र मुझे शुरू में दिया गया। यह सही है कि मेरी नियुक्ति पत्र से नियुक्ति अस्थाई सहायक के तौर पर दर्शायी गयी

थी। प्रदर्श एम-1 पत्र मेरे द्वारा लिखा गया था। जिस पर ए से बी मेरे हस्ताक्षर हैं। मैंने 17-2-1997 से 16-6-1997 तक अपनी सेवाएं विपक्षी संस्थान को दी। यह सही है कि मैंने विपक्षी स्थान में 240 दिन काम नहीं किया। यह सही है कि मैंने जितने दिन काम किया उतने दिन का वेतन मैंने प्राप्त कर लिया है।

इसके खण्डन में विपक्षी साक्षी लोकेश मूंदडा ने अपने शपथ पत्र में यह अभिकथन किया है कि प्रार्थी राजेन्द्र कुमार को अस्थाई सहायक के रूप में दिनांक 17-2-1997 से 16-6-1997 तक कुल 120 दिनों के लिये अस्थाई तौर पर नियुक्त किया गया था। नियुक्ति पत्र में दी गई शर्तों के मुताबिक दिनांक 16-6-1997 को प्रार्थी की सेवाएं स्वत: ही समाप्त हो गई थीं। प्रार्थी को सीमित समय के लिये ही नियोजन दिया गया था। भारतीय जीवन बीमा निगम (अस्थाई कर्मचारियों की भर्ती) अनुदेश, 1993 के तहत पूरे देश में नियुक्तियां की गई थीं। प्रार्थी को देय मजदूरी नियुक्ति पत्र में अंकित है जो प्रतिमाह 3114.15 पैसे प्रतिमाह देय थी। प्रार्थी के नियुक्ति पत्र में यह स्पष्ट अंकित था कि नियुक्ति पत्र में दी गई शर्तें मंजूर हो तो अपनी उपस्थिति विपक्षी कार्यालय में देवे प्रार्थी ने दिनांक 22-1-1997 को लिख कर दिया जो प्रदर्श एम-1 है कि मैं अस्थाई पद हेतु दावा पेश नहीं करूँगा जिस पर प्रार्थी के हस्ताक्षर ए से बी है। अस्थाई सहायकों का रिकार्ड बाबत प्रदर्श एम-3 से एम-12 तक दस्तावेज है। प्रार्थी सतत सेवा से पृथक नियोजन की शर्त के तहत हो गया उसकी सेवाएं अवैध रूप से समाप्त नहीं की गईं। जवाब के अन्य तथ्यों को शपथ पत्र में दोहराया है।

प्रार्थी प्रतिनिधि द्वारा की गई जिरह में गवाह लोकेश मूंदडा ने यह बयान दिया है कि इन कर्मकारों को अस्थाई तौर पर काम पर लगाया। प्रदर्श एम-1 कर्मकार के द्वारा दिया गया डिक्लेरेशन है। प्रदर्श-7 रूल्स जो हमारे द्वारा पेश किये गये हैं जिसका उल्लेख मेरे शपथ पत्र में है ये विभागीय इन्सट्रक्शन है यह गलत है कि हमने प्रार्थी को इसलिये हटाया कि उसको हम स्थाई आदेशों के तहत लाभ नहीं देना चाहते बल्कि प्रार्थी की नियुक्ति अस्थाई तौर पर 120 दिन के लिये की गई थी इसलिये उस पर आदर्श स्थाई आदेश लागू नहीं होते हैं।

इस प्रकरण में जो प्रार्थी का नियुक्ति आदेश जो स्वयं प्रार्थी द्वारा ही पेश कर प्रदर्शित कराया गया है वह प्रदर्श-1 है। इस नियुक्ति पत्र में यह स्पष्ट अंकित है कि –

> "आपको हमारे शाखा कार्यालय राजसमन्द में तदर्थ आधार पर पूर्ण रूप से अस्थाई तौर पर पूर्णतया अस्थाई सहायक पद पर/जो कि वर्षात् कार्य दबाव कमीशन एवं लेजर पोस्टिंग आदि के कारण रिक्त हुई है। आपको उक्त अस्थायी पद पर 3114.15 रुपये प्रति माह देय होंगे उक्त नियुक्ति आपको दिनांक 17-2-1997 से 16-6-1997 तक 120 दिनों के लिये आपके कार्य ग्रहण से दी जाती है । "
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> आपकी उक्त अस्थाई नियुक्ति भारतीय जीवन बीमा निगम (अस्थाई कर्मचारी नियुक्ति) के प्रावधानों एवं निर्देशों 1993 के तहत होगी।"

इस नियुक्ति पत्र में यह सभी तथ्य/शर्तें अंकित है कि प्रार्थी की नियुक्ति तदर्थ आधार (एड होक बेसिस) पर पूर्ण रूप से अस्थाई है पर "अस्थाई सहायक" पद पर कार्य की अवधि के कारण 17-2-1997 से 16-6-1997 तक कुल 120 दिनों के लिये की गई है तथा यह नियुक्ति भारतीय जीवन बीमा निगम (अस्थाई कर्मचारी नियुक्ति) के प्रावधानों में की गई है।

पत्रावली पर जो भारतीय जीवन बीमा निगम (अस्थाई कर्मचारी नियुक्ति) के निर्देश, 1993 जो पेश हुए हैं उसमें कर्मचारियों की भर्ती की जो परिधि दर्शाई गई है उसमें निर्देश 1 (बी) (TTT) में ये स्पष्ट निर्देश है कि जोनल मैनेजर कार्य की अधिकता के लिये अस्थाई सहायकों की नियुक्ति तदर्थ आधार पर अस्थाई सहायक के पद पर दिनांक 17-2-1997 से 16-6-1997 तक के लिये की गई है। ये नियुक्ति पत्र व विपक्षी की साक्ष्य से स्पष्ट है तथा इस नियुक्ति पत्र को स्वयं प्रार्थी ने ही प्रस्तुत कर प्रदर्शित कराया है, इसलिये जब प्रार्थी की नियुक्ति ही 16-6-1997 तक के लिये ही थी तो जैसे ही विपक्षी विभाग द्वारा दी गई समयावधि पूरी हुई, प्रार्थी की सेवाएं स्वत: ही समाप्त हो गईं। इस प्रकार विपक्षी द्वारा प्रार्थी को सेवा पृथक नहीं किया गया बल्कि उसकी कार्य अवधि जो कि नियुक्ति पत्र में ही दर्शित है, पूर्ण होने पर उसकी सेवाएं स्वत: समाप्त हो गईं। प्रार्थी का यह कथन भी माने जाने योग्य नहीं है कि उसकी नियुक्ति रेग्युलर पद के विरूद्ध अस्थायी कनिष्ठ लिपिक के पद पर की गई हो क्योंकि नियुक्ति पत्र में ही तदर्थ अस्थायी सहायक के रूप में नियुक्ति दी गई है। इन तथ्यों की पुष्टि विपक्षी द्वारा प्रस्तुत जवाब व शपथ पत्र से होती है। इस प्रकार विपक्षी द्वारा प्रार्थी को 16-6-1997 को सेवा पृथक नहीं किया गया बल्कि उसकी कार्य अवधि पूर्ण होने से उसकी सेवाएं स्वत: समाप्त हो गईं।

इसके अलावा भी भारत सरकार के श्रम मंत्रालय द्वारा जो प्रसंग इस न्यायालय को अधिनिर्णय हेतु प्रेषित किया गया उसमें प्रार्थी को किस तिथि को सेवा से पृथक किया गया का उल्लेख नहीं है तथा प्रार्थी ने इस प्रसंग में संशोधन कराने या शुद्धि कराने को कोई प्रयास नहीं किया है। इसलिये प्रार्थी को सेवा पृथक किया गया हो/यह प्रकट नहीं होता है।

अत: भारत सरकार के श्रम मंत्रालय द्वारा प्रेषित प्रसंग को उत्तरित करते हुए पंचाट इस प्रकार पारित किया जाता है कि–श्रमिक श्री राजेन्द्र कुमार सनाढ्य को विपक्षी भारतीय जीवन बीमा निगम उदयपुर के प्रबन्धक के द्वारा सेवा पृथक नहीं किया गया बल्कि उसकी कार्य अवधि दिनांक 16-6-1997 को समाप्त होने से प्रार्थी की सेवाएं स्वत: ही समाप्त हो ही गईं तथा भारत सरकार के श्रम मंत्रालय द्वारा जो प्रसंग प्रेषित किया गया है उसमें प्रार्थी को किस तिथि को सेवा से पृथक किया गया का उल्लेख नहीं है जिससे यह भी प्रकट है कि प्रार्थी को सेवा से पृथक नहीं किया गया है। अत: प्रार्थी राजेन्द्र कुमार सनाढ्य कोई राहत व राशि प्राप्त करने का अधिकारी नहीं है ।

पंचाट प्रकाशनार्थ भारत सरकार के श्रम मंत्रालय को भेजा जावे ।

उषा अग्रवाल, पीठासीन अधिकारी

नई दिल्ली, 10 अप्रैल, 2006

का. आ. 1742.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार क्षेत्रीय किसान ग्रामीण बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्दीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या आई डी.100/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-04-2006 को प्राप्त हुआ था।

[सं. एल-12012/276/2000-आई आर (बी-I)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 10th April, 2006

S.O. 1742.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (ID-100/2001) of the Central Govt. Industrial Tribunal/Labour Court, Lucknow now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Kshetriya Kisan Gramin Bank and their workman, which was received by the Central Government on 10-04-2006

[No. L-12012/276/2000-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT:

SHRIKANT SHUKLA, PRESIDING OFFICER

I.D. No. 100/2001

Ref. No. L-12012/276/2000-IR (B-I) Dt. 20-6-2001

BETWEEN:

Sri Kamlesh Kumar Mishra
S/o Munshi Lal R/o H.No. 948
Mohalla Dariba, Agroa Road,
Mainpuri (U.P.)

AND

Chairman
Kshetriya Kisan Gramin Bank
Collectorate Road,
Mainpuri (U.P.)

AWARD

The Government of India, Ministry of Labour, New Delhi referred the following dispute vide order No. L-12012/276/2000-IR (B-I) dated 20-6-2001 for adjudication to Presiding Officer, CGIT-cum-Labour Court, Lucknow;

"क्या अध्यक्ष, मैसर्स क्षेत्रीय किसान ग्रामीण बैंक, मैनपुरी द्वारा कर्मकार श्री कमलेश कुमार मिश्रा को दिनांक 16-9-1983 से सेवा से निष्कासित करना न्यायोचित है। यदि नहीं, तो कर्मकार किस अनुतोष का हकदार है?"

Worker Kamlesh Kumar Mishra's case in brief is that he was appointed as Assistant Cashier vide order dt. 12-9-81 by the chairman of the Bank on Rs. 10 per day in Kshetriya Kisan Gramin Bank, Kushiayari Branch Mainpuri (which shall hereinafter called the bank). The workman started working on 14-9-81. After 2 months of working the worker was appointed on the adhoc basis at the consolidated wages of Rs. 428 p.m. By the order of Chairman of the Bank dt. 15-6-83, worker was transferred to Ounchha Branch Distt. Mainpuri, where he resumed charge on 21-6-83 and continued work till 15-9-83. Thus the worker continued work from 19-9-81 to 15-9-83 and he worked for more than 240 days in every year. Bank stopped taking work from 16-5-83 without any order, while many junior employees continued work. Worker was not given any notice, notice pay or compensation, thus the bank violated the provision of Section 25F of I.D. Act. Worker made representations on 28-3-84, 25-8-84, 1-2-85, 17-8-85, 23-7-86, 10-2-87, 28-8-88, 27-1-88, 25-7-88, 20-1-89, 23-10-90, but the bank did not consider them. Worker and 10 others represented and sent letter dt. 4-7-91 to the Secretary, Ministry of Labour, Govt. of India for referring the dispute for adjudiaction. Worker's and 3 other's name was not forwarded for adjudication while the name of remaining 8 was referred for adjudication. Worker thereafter on 31-8-99 requested for initiating and referring the dispute for adjudication. Ultimately the order for reference was passed on 29/30-6-2000. The worker and 10 others represented Government of India for adjudication them the dispute was referred and was disposed in favour of the worker and 4 of them joined the service, beside those who were juniors to the worker was also engaged. Worker has therefore requested that the order dt. 16-9-83 declared illegal and unjustified and worker be reinstated with back wages.

Worker has filed photo copies of the following documents;

1. Appointment order dt. 12-9-81 showing appointment for two months in stop gap arrangement till vacancies are filled by regular employee with the clear stipulation that during the period the worker could be removed without showing any reason. Annexure 2.
2. Reference order dt. 20-6-01 Ann. A
3. Transfer order dt. 16-6-83 Ann. 3
4. Relieving order dt. 20-6-83.
5. Representation Dated 28-3-84 Ann. 4
6. " " 25-8-84 Ann. 5
7. " " 1-2-85 Ann.6
8. " " 17-8-85 Ann. 7
9. " " 23-7-86 Ann. 8
10. " " 10-2-87 Ann. 9
11. " " 27-1-88 Ann. 10

12.	Representation dated		25-7-89	Ann. 11
13.	"	"	28-8-88	Ann. 12
14.	"	"	20-1-89	Ann. 13
15.	"	"	23-10-90	Ann. 14

16. Latter dated 4-7-91 addresed to the Secretary, Government of India, Ann. 15

17. Asstt. Labour Commissioner (C) Kanpur dated 30-6-2000 Ann. 16

18. Letter notifiying award dated 10-5-96 Ann. 17 with the Photo Copy of Award dated 16-4-96

Annexure 4 to 14 annexed with the statement of claim has not been admitted by the opposite party.

Opposite party has filed written statement denying the claim. appointment of the wroker is admitted Worker's working in Ounchha branch of the bank w.e.f. 21-6-83 to 15-5-88 is also admitted. It is alleged that the worker did not hold the regular and permanent post. Besides it is also alleged that he has not completed 240 days work in any calendar year. It is admitted that he was disengaged on 16-9-83. It is also alleged that the claim is highly belated and is not legally maintainable. Present case is not covered by sections 25B, 25F, 25G, & 25H of I.D. Act. The management of the bank has disengaged the services of the workman as per the terms of the appointment letter dated 12-9-1981. It is denied that any junior have been retained in service. It also submitted that the bank management had never received any letter/ representations from the worker as alleged by the worker. Worker has raised dispute before Asstt. Labour Commissioner(C) Kanpur after a long period. It is stated that the claim statement of the worker are based on imaginary, after thought concocted & without valid grounds.

The bank has filed following photo copies of documents :—

1. Appointment letter dated 12-9-81.

2. Office Order No. 2608 dated 15-6-82 issued by the Chairman of the bank.

3. Letter dated 20-6-83 of Branch Kushari issued to the worker.

4. Termination letter 16-9-83 issued by the branch manager to the worker.

worker has examine himself and bank management has examined Sri M.P. Pathak.

Parties have filed written arguments. Also heard oral arguments & persued the statement of claim and written statement etc. evidence of the parties.

According to annexure 2 filed by the worker himself it is proved that the worker has not been appointed in the regular vacancy instead he was appointed vide order dated 12-9-1981 on the daily wage basis @ Rs. 10 Per day. It is further stated that it is a stop gap arrangement till the vacancy are filled by regular appointment. It also makes clear that during this period he could be removed without assigning any reason. From annexure 3 the transfer letter it is evident that the worker Kamlesh Kumar Mishra was transferred to Ounchha branch. This order is dated 15-6-83 Worker has stated in para 9 of the claim statement that he worked till 15-9-83. The worker has stated in para 10 of the statement of claim that all of sudden he was terminated vide order dated 16-9-83.

Worker Kamlesh Kumar Mishra espoused his dispute on 31-8-99 i.e. to say after about 16 years of his termination. It is further notewerthy that the CGIT-cum-Labour Court, Kanpur in I.D. Case No. 243/89, 244/89, 251/99, 26/90, 5/91, 66/92, 67/92 between N.S. Yadav and Chairman, Kshetriya Gramin Bank passed the award on 16-4-1996 which was notified on 10-5-1996. After the publication of the award worker espoused his claim after about 3 years.

Worker has tried to explain the delay that he has been representing to the Chairman of the bank continously write from 28-3-84 to 23-3-90. The worker has also filed the photo copy of the representation they annexure 4 to 14 of the statement of claim. The Management has denied all these documents and has stated that no representation has been received by the bank the worker has not proved that the said representations were sent by him through registered post. It appears these representations have been manufactured for the purpose of the case, and these representations cannot be believed.

Para 13 of the statement of claim the worker has written that the worker along with 10 others send the application through authorised representative (President) on 4-7-98 Govt. of India, Ministry of Labour for making reference for adjudications the said application is stated to be at Sl. No. 15. It is not mentioned in the statement of claim that the worker did espoused the dispute before Asstt. Labour Commissioner (C) Kanpur in the year 1991. Annexure 15 has also not been admitted by the opposite Party. Annexure 15 is not authentic document. In the Circumstances I am of the considered opinion that the claim of the worker is very much belated and suffer of delay and laches.

Bank Management has filed written statement running of 81 pages wherein it is stated that the statment of claim is highly misconceived and misleading. It is further submitted that Kamlesh Kumar Mishra initially make vague and false allegations and tried his best to conceal the correct fact from coming to the knowledge of the court. No reliance can be placed on contention of the Kamlesh Kumar Mishra by any stretch of inagination and he has laboured very hard to conceal the correct fact from coming to the knowledge of this court. Worker's statement was taken firstly on 3-7-2003 which is as under :—

कमलेश कुमार मिश्रा उम्र 40 वर्ष पुत्र मुंशीलाल मिश्रा पता 948 मोहल्ला दरीबा, मैनपुरी, आगरा ।

शपथ पूर्वक ब्यान दिया–

(1) खुशिपारी शाखा में 14-9-81 से 14-11-81 तक डेलीवेजर के रूप में कार्य किया । मुझे इन दोनों महीनों का वेतन मिला । वेतन महीने के बाद मिलती थी। दो महीनों का वेतन 300 रु. मिली फिर कहा 600 रुपये मिली ।

(2) छुट्टियों का वेतन नहीं मिला 21-6-83 से 15-9-83 तक मैंने काम किया फिर कहा कि 14-11-81 के बाद 428 रु. प्रतिमाह पर 15-11-81 को नियुक्ति हुई । 15-11-81 से 428 रु. प्रतिमाह पर नियुक्ति हुई, जिसका कोई नियुक्ति पत्र मेरे पास नहीं है ।

(3) 15-11-81 से 20-6-83 तक का वेतन मुझे मिला 428 रु. प्रतिमाह के हिसाब से ।

Worker was examined on 4-10-2004. Worker has answered to the question of the opposite party as under :

"औछा में मैंने कुल 3 महीने कार्य किया । औछा में 3 महीने लिये ही नियुक्त हुआ extention नहीं हुआ ।"

He has also replied in cross examination :

" करीब 9-10 बार 3-3 माह के लिये Adhoc के रूप में मेरी नियुक्ति हुई थी लगभग 30 महीने मैं Adhoc रहा, Adhoc में ही मैं था तब मुझे सेवा से निकाल दिया गया । "

From the above replies it is proved that the worker was appointed for three months during each time and lastly he was appointed for 3 months in Onchha, branch and further period for his employment was not extended.

The above is material concealment of fact.

Retrenchment has been defined under Section 2 (oo) which is reproduced as under;

"retrenchment" means the termination by the employees of the Service of a workman for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action but does not include—

(a) Voluntary retirement of the workman; or

(b) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concemed contains a stipulation in that behalf; or

(bb) terminattion of the service of the workman as a result of the non-renewal of the contract of employment between the employer and the workman concerned on its expiry or of such contract being terminated under a stipulation in that behalf contained therein; or

(c) termination of the service of workman on the ground of continued ill health.

Therefore, if the worker has been disengaged or if his services has been extended after the expiry of 3 months, then it will not be retrenchment in the eye of law.

It is noteworthy that Rural Bank are framed under the Regional Rural Bank Act, 1976 accordingly Kesnitriyan Kisan Gramin Bank Manpuri has also been incorporated under this act and it works and functions are Governed of guidelines of Government of India (Ministry of Finance) NABARD and other institutions. It is submitted by the Opposite party that worker is merely trying to get back door entry by way of litigation in violation of the Government rules. He was not regularly appointed employee of the bank. It is noteworthy that appointment on the post of clerk on regular basis is made through selection board after interviewed on the basis of suitability and eligibility and other qualifying criteria. Sri M.P. Pathak Branch Manager of the bank has proved that for the regular appointment the advertisement is essential for the vacancies, after the advertisement the applications are invited from the candidates. Applications are scrutinised thereafter a competitive examinations are held and those successfully in the competitive examination are interviewed and then appointment is made on probation. However the adhoc recruitment can be made in the stop gap arrangement.

The present case is not regular appointment.

In the case where the worker was engaged from time to time not exceeding 5 or 6 months each occasion on daily wages for casual work in the bank relating to Audit and Accounts. If Workers were aggrieved their engagement did not continue and succeeded before the Labour Court in their claim. The Labour Court directed their reinstatement with the continuity of service but without back wages. Hence the bank filed a petition before the High Court, Kerala. Hon'ble High Court Kerala allowed it and setting aside of impugned award. High Court in between President, Peroorkada Services of Co-operative Bank, Trivendrum and S. Sheena and other held that the workers did not under go selection process therefore there was no retrenchment within the meaning of I.D. Act, 1947 Hon'ble High Court further referred in this connection that 2 sections 2 (oo) (bb) of the I.D. Act, 1947 and held that in the said case there was no regular appointment and the appointment was only on day to day. In such case it can not be said any retrenchment attracting the jurisdiction of the Labour Court. The law is cited in 2002 III LLJ page 459 President Peroorkada Services of Co-operative Bank, Trivendrum and S. Sheena and others. There exists another case law 2000 LAB-IC 3745 (Karnataka High Court) between Navodaya Vidyalaya Vs. R. Hemavathy in which Hon'ble High Court has held that "Clerk appointed on temporary basis under fixed term of Contract of Service— her discontinuation from service cannot be treated as retrenchment even though she had worked for continuous service of 240 days."

Yet another case law is applicable to the case 2000 LAB IC 626 Amit Yadav and Other Vs. Delhi Vidut Board wherein it has been held that contractual case Appointments comes to an end by efflux of time on

completion of fixed duration-Appointees have no right to remain on post beyond contract period.

Here in the present case the contract of service of the worker came to an end after 3 months in Ounchha branch of Manpuri therefore the worker has no right to continue.

2001 LAB IC 2391 (Supreme Court) Harmohinder Singh Appellant . Vs. Kharga Canteen Aambala Cantt. Hon'ble Supreme Court held retrenchment of workman—conditions precedent to Not required to be complied with in cases where termination takes place on expiry of contract—Reasons being, definition of retrenchment excludes contracts of service for fixed term.

2003 (99) FLR 972 (Allahabad High Court) between State of U.P. and Presiding Officer, Labour Court, Agra has held that non-renewal of contractual employment, does not amount to retrenchment under Section 2(oo) of Act. Non-renewal of contractual employment and dispensation of engagement at any state without any reason in terms of appointment does not amount to retrenchment under Section 2 (oo) of I.D. Act,

1998 Supreme Court cases L & S 235 Escorts Ltd. Vs. Presiding Officer & Others. It has been held that terms of appointment enabling to employee to terminate the services at any stage without assigning reason—In such circumstances, termination of services under the said terms even though effected before the expiry of specific period held did not amount retrenchment. Hence did not attract Section 25 F & G of the I.D. Act.

The representative of the worker has filed following case laws and has argued that since the worker has completed 240 days in preceding calendar year and there is no option then to reinstate the worker with all back wages.

(1) (2002) 2 UPLBEC 133 Prathma Bank, Nainital Road, Moradabad Vs. Presiding Officer CGIT-Cum-Labour Court, Kanpur.

(2) 2001 (19) LCD 1049 (Lucknow Bench High Court Allahabad)

(3) 2002 (2) 1475 UPLBEC Rajya Krishi Utpadan Mandi Parishad U.P. Meerut Vs. Prescribed Authority Industrial Dispute Tribunal Vs. U.P. Meerut.

(4) 1998 (16) LCD-785 Allahabad High Court Yogesh Srivastava Vs. State of U.P. and Another.

All the above case laws do not refer to the contractual services where the worker has been retrenched after effluex of time and hence they are not applicable in the present case. On the discussions above and on the case law cited earlier I am of the considered opinion that the worker has been disengaged after contracted period of his engagement, does not amount to retrenchment as per Section 2 (oo) (bb) of the I.D. Act, 1947 and in the circumstances the provision of Section 25 F & G etc. are not applicalble. It is noteworthy that the case has been espoused after the lapse of 16 years with the material concealment of the fact.

The worker has also filed the copy of judgement of the Presiding Officer, CGIT-Cum-Labour Court, Kanpur. In the said case this was not a admitted fact of the worker that he was disengaged after 3 months the contracted period but in the present case this fact is admitted. Worker did not disclosed this fact in his statement or claim whereas he has admitted it in his cross examination that he was appointed 9 to 10 time on adhoc basis for 3 months each. He ought to have produce all those letters and stated the same in the statement of claim. I also come to the conclusion that the claim statement is highly misconceived and misleading on the discussion above I come to the conclusion that disengagement of the worker w.e.f. 16-9-1993 as a result of non-renewal of extension of his service is not retrenchment as defined under Section 2 (oo) (bb) of the I.D. Act, 1947. The issue is therefore decided in favour of the management of the bank and against the worker. I also come to the conclusion that worker is not entitled to any relief.

Lucknow

5-4-2006 SHRIKANT SHUKLA, Presiding Officer

नई दिल्ली, 10 अप्रैल, 2006

का.आ. 1743.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. पी. डब्ल्यू डी. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्दीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अजमेर के पंचाट (संदर्भ संख्या CITR-03/03) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-4-2006 को प्राप्त हुआ था।

[सं. एल-42012/181/2002-आई आर (सी-II)]

अजय कुमार, डेस्क अधिकारी

New Delhi, the 10th April, 2006

S.O. 1743.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CITR-03/03) of the Central Government Indus. Tribunal/Labour Court, Ajmer now as shown in the Annexure, in the industrial dispute between the management of Central Public Works Department (Central Electrical) and their workman, received by the Central Government on 10-4-2006

[No. L-42012/181/2002-IR (C-II)]

AJAY KUMAR, Desk Officer

अनुबन्ध

न्यायालय श्रम एवं औद्योगिक न्यायाधिकरण, अजमेर (राज.)

पीठासीन अधिकारी: श्री पी.एस. शेखावत, आरएचजेएस

प्रकरण संख्या- सीआईटीआर-03/03

रेफरेंस नं. एल-42012/181/2002-आईआर सी-II दि.13-3-2003

श्री एस.एन.शर्मा, ब्राचं सैक्रेट्री, सेंट्रल पब्लिक वर्क्स डिपार्टमेंट वर्कर्स यूनियन, हाऊस नं. 422/13, सिंडीकेट बैंक के पास, अजमेर

...प्रार्थी

बनाम

दी सुपरिटेडेंट इंजीनियर (इलेक्ट्रिकल), सेंट्रल पब्लिक वर्कर्स डिपार्टमेंट सेंट्रल इलेक्ट्रिकल सब डिवीज़न निर्माण भवन, विद्याधर नगर, जयपुर

...अप्रार्थी

उपस्थित: श्री एस. एन. शर्मा, विद्वान प्रतिनिधि, प्रार्थी।

श्री बी. एस. माथुर, विद्वान प्रतिनिधि, अप्रार्थी।

दिनांक : 28-3-2006

अवार्ड

केंद्र सरकार द्वारा प्रेषित विवाद निम्न प्रकार है :-

> " क्या अधीक्षण इंजीनियर (विद्युत) केंद्रीय विद्युत परिमंडल, केंद्रीय लोक निर्माण विभाग, विद्याधर नगर, जयपुर के द्वारा श्री नियामत अली सहायक पंप चालक को दि. 21-6-86 से निरंतरता कायम नहीं करने एवं वेतनवृद्वि लाभ नहीं दिया जाना उचित एवं वैध है? यदि नहीं तो वह कब से और कितना लाभ पाने का हकदार है?"

नोटिस के उपरांत उभयपक्ष उपस्थित आये। प्रार्थी ने क्लेम के विवरण में अंकित किया है कि प्रार्थी प्रतिपक्षी संस्थान में दि 5-5-1981 को खलासी (मस्टर रोल) के पद पर हुई थी उसे दिनांक 21-6-1986 से सहायक पंप चालक (मस्टर रोल) के पद पर लगाया गया। प्रार्थी का कार्य संतोषप्रद रहा। प्रार्थी ने दि. 21-6-86 से सहायक पंप चालक के पद पर कार्य करता चला आ रहा था कि उसे अचानक दि. 28-2-91 को खलासी (वर्कचार्ज) के पद पर नियुक्ति दी। खलासी का पद सहायक पंप चालक से निम्न श्रेणी का है। इस प्रकार अकारण पदावनत किया जाना अनुचित था। प्रार्थी ने इसका विरोध किया किंतु डरा-धमकाकर 28-2-1991 को प्रार्थी से खाली कागजों पर हस्ताक्षर करवा लिये। प्रार्थी ने 21-8-1991, 19-6-1992, 16-9-1993, 5-5-1994, 17-1-1995, 22-12-1995 को प्रबंधक को प्रार्थना पत्र प्रस्तुत कर 21-6-1986 से सहायक पंप चालक का पद दिया जाना एवं समस्त लाभ दिये जाने की मांग की किन्तु प्रतिपक्षी ने कोई उत्तर नहीं दिया। अंत में सितंबर 1996 में प्रार्थी को सहायक पंप चालक बना दिया लेकिन 21-6-1986 से सहायक पंप चालक मानने से इंकार कर दिया। तदुपरांत प्रार्थी ने दि. 19-10-1996, 10-4-1997, 18-12-1997, 11-3-1998, 17-9-1998, 21-1-1999 28-8-1999, 3-4-2000, 15-3-2001 एवं 16-7-2001 को प्रार्थना पत्र प्रस्तुत कर दि. 21-6-1986 से निरंतरता कायम रखते हुए लाभ दिये जाने की मांग की जिसका कोई उत्तर प्रतिपक्षी ने नहीं दिया। यूनियन से निवेदन करने पर यूनियन ने प्रतिपक्षी को दिनांक 3-4-2000 को पत्र प्रेषित किया किंतु इस पर भी कोई विचार नहीं किया तदुपरांत विवाद उठाने पर समझौता वार्ता विफल होने पर यह विवाद प्रेषित किया। प्रार्थी दि. 21-6-1986 से सहायक पंप चालक के पद पर कार्य करने से स्थाई होने का अधिकारी था। अंत में दिनांक 21-6-86 से सहायक पंप चालक के पद पर निरंतरता मानते हुए वेतनवृद्वि एवं समस्त लाभ दिलाये जाने की प्रार्थना की है।

प्रतिपक्षी ने उत्तर में अंकित किया है कि प्रार्थी उक्त अवधि में मस्टर रोल पर कार्यरत था अत: उसे दैनिक भत्ते पर नियमित रूप से भुगतान किया था। विभाग द्वारा पत्र दि. 26-2-1991 द्वारा अस्थाई रूप से खलासी के पद पर नियोजन करने का प्रार्थी को प्रस्ताव दिया था। इस पत्र की शर्त संख्या 24 में स्पष्ट उल्लेख किया गया है कि यदि उसे यह प्रस्ताव स्वीकार है कि तो दि. 20-3-1981 तक पद को ग्रहण करे अन्यथा प्रस्ताव रद्द किया जावेगा। प्रार्थी ने उक्त प्रस्ताव स्वीकृत कर खलासी के पद का कार्यभार ग्रहण कर लिया जिसकी लिखित सूचना दि. 28-2-1991 को प्रस्तुत की। फलत: प्रतिपक्षी के कार्यालय द्वारा 16-3-1991 को प्रार्थी को खलासी के पद पर कार्यभार ग्रहण करने के आदेश जारी किये थे। प्रतिपक्षी भारत सरकार का कार्यालय है जिसमें नियमानुसार पदोन्नति दी जाती है। आउट ऑफ टर्न किसी को भी पदोन्नति नहीं दी जा सकती। दि. 5-5-1981 एवं 21-6-86 को प्रार्थी को कोई भी नियुक्ति पत्र जारी नहीं किया अत: पदोन्नति या पदावनत का प्रश्न ही उत्पन्न नहीं होता। प्रार्थी ने 28-2-91 को नियुक्ति पत्र का कभी विरोध नहीं किया और सहर्ष स्वीकार किया अब अनावश्यक विवाद उत्पन्न किया है। अंत में क्लेम निरस्त करने की प्रार्थना की है।

प्रार्थी ने रिज्वाईन्डर प्रस्तुत किया है जिसमें अंकित किया है कि प्रार्थी को 21-6-1986 से सहायक पंप चालक बनाया गया था जिसकी वेज सिलप में पंप सैट पर सहायक पंप चालक का कार्य करना बताया है। प्रारंभ में तेरह रु. प्रतिदिन वेतन दिया गया बाद में बढ़ाकर 15.50 पै. किया और उसके बाद रु. 1925 प्रतिमाह किया गया और उसके बाद में वेतन बढ़ोतरी होती रही। प्रार्थी के बाद में लगे श्रमिक सर्वश्री भूपकिशोर को दि. 5-5-1993, अकलाराम को दि. 21-5-1993, नरेंद्र रेड्डी को 21-5-1993 से सहायक पंप चालक के पद पर नियुक्ति दी गयी जबकि प्रार्थी को सहायक पंप चालक के पद पर सितंबर 1996 में नियुक्ति दी जिससे प्रार्थी उक्त श्रमिक से कनिष्ठ को गया। प्रतिपक्षी ने इस रिज्वाईन्डर का उत्तर प्रस्तुत किया है जिसमें अंकित किया है कि वेज़ स्लिप से मज़दूरों को वेतन दिया जाता है जिसका नियुक्ति और पदोन्नति से कोई संबंध नहीं है। कनिष्ठ श्रमिकों को पूर्व में सहायक पंप चालक बनाने के संबंध में प्रतिपक्षी ने कोई अभिवचन नहीं किया।

प्रार्थी ने अपने क्लेम की संपुष्टि में स्वयं का शपथ पत्र प्रस्तुत कर प्रतिपरीक्षण कराया है। प्रलेखीय साक्ष्य में प्रदर्श डब.1 से 72 प्रलेखों कि प्रतियां प्रदर्शित करवाकर प्रस्तुत की हैं । प्रतिपक्षी ने

श्री पी. एस. माथुर सहायक अभियंता का शपथ पत्र प्रस्तुत कर प्रतिपरीक्षण करवाया है। प्रलेखीय साक्ष्य में प्रदर्श एम-1 से 4 प्रलेखों की प्रतियां प्रदर्शित करवाकर प्रस्तुत की।

उभयपक्ष का श्रवण किया, पत्रावली का अवलोकन किया। उभयपक्ष द्वारा प्रस्तुत प्रलेखीय साक्ष्य और प्रार्थी द्वारा प्रस्तुत सुरेन्द्र सिंह एवं अन्य/इंजीनियर इन चीफ 1986 एल.एल.जे. 403का अध्ययन किया।

यह स्वीकृत तथ्य है कि प्रार्थी को 5-5-1981 को खलासी के पद पर मस्टर रोल के आधार पर मौखिक नियुक्ति दी थी। वेज स्लिप प्रदर्श डब. 21 से 71 के आधार पर यह प्रमाणित है कि प्रार्थी ने दिनांक 21-6-1986 से 27-2-1991 तक सहायक पंप चालक का वेतन उठाया और उसके पश्चात् 28-2-1991 को उसे खलासी के पद पर नियुक्ति दी गयी। यह भी स्वीकृत तथ्य है कि प्रार्थी ने अभिवचनों में अंकित अनेक प्रार्थना पत्र प्रस्तुत कर इसके विरोध में रिप्रेजेंटेशन दिया जिसका कोई उत्तर प्रतिपक्षी ने नहीं दिया। भूपकिशोरे, अचलाराम एवं नरेंद्र रेड्डी को सहायक पंप चालक प्रार्थी से कनिष्ट होते हुए भी पहले बनाने के संबंध में प्रतिपक्षी स्पष्ट इंनक्वारी के अभाव में प्रार्थी का यह अभिवचन स्वीकृत तथ्य माने जाने योग्य है।

प्रस्तुत विवाद को निणति करने के लिए प्रथम बिंदु यह है कि क्या प्रार्थी ने दि. 21-6-1986 से 27-2-1991 तक लगभग पांच वर्ष तक मस्टर रोल पर सहायक पंप चालक का कार्य किया और वेतन उठाया प्रार्थी ने इस संबंध में अपने क्लेम में अभिवचन अंकित किये हैं जिसका स्पष्ट खंडन प्रतिपक्षी ने नहीं किया। प्रार्थी की ओर से प्रदर्श डब. 21 से 71 प्रलेखों की प्रतियां प्रस्तुत की हैं जो अगस्त 88 से फरवरी 91 तक की वेज-स्लिप है जिसके कॉलस नं. 3 में नेचर ऑफ वर्क एंड लोकेशन में "आर एम.ओ. पंप सैट ए. सी. पी. एफ" दिखाया है जो दर्शाता है कि प्रार्थी ने सहायक पंप चालक का कार्य किया है। उक्त वेज-स्लिप प्रतिपक्षी विभाग द्वारा जारी की गयी है। प्रार्थी ने अपने शपत पत्र में इन्हें प्रदर्शित किया है। इस संबंध में प्रार्थी के प्रतिपरीक्षण में कार्य प्रश्न नहीं पूछा गया। प्रतिपक्षी के साक्षी श्री बी.एस. माथुर ने प्रतिपरीक्षण में यह स्वीकार किया है कि वेज-सिल्प विभाग द्वारा जारी की गयी है और दि. 21-6-1986 से प्रार्थी सहायक पंप ऑपरेटर के पद पर कार्य कर रहा था। श्री माथुर ने अपने शपथ पत्र में कहीं भी यह अंकित नहीं किया कि प्रार्थी दि. 21-6-1986 से सहायक पंप चालक का कार्य नहीं कर रहा हो । प्रार्थी ने प्रदर्श डब. 1 से 16 प्रार्थना पत्र प्रतिपक्षी को प्रस्तुत किये जिनमें भी उसने 21-6-1986 से सहायक पंप चालक के पद पर कार्य करना बताया है किन्तु प्रतिपक्षी ने इसका कोई उत्तर नहीं दिया। ऐसी स्थिति में प्रार्थी के कथन विश्वसनीय है, इससे यह पमाणित होता है कि प्रार्थी ने 21-6-1986 से 27-2-1991 तक लगभग पांच वर्ष तक मस्टर रोल पर दैनिक वेतन पर सहायक पंप चालक का कार्य किया और वेतन उठाया है।

अब प्रश्न उत्पन्न होता है कि क्या प्रार्थी की खलासी के पद पर दि. 28-2-1991 से की गयी नियुक्ति उचित थी जिसमें प्रार्थी की सहमति स्वेच्छापूर्वक थी। इस संबंध में प्रार्थी का अभिवचन है कि प्रार्थी से डरा-धमकाकर 28-2-1991 को खाली कागजों पर हस्ताक्षर करा लिये जिसका प्रार्थी ने विरोध किया था और विरोधस्वरूप अनेक पत्र प्रस्तुत किये थे जिनकी प्रतियां प्रदर्श-1 से 6 है। प्रार्थी ने अपने शपथ पत्र में इन्हीं अभिवचनों की पुनरावृत्ति की है। प्रतिपक्षी के साक्षी ने खाली कागजों पर हस्ताक्षर करवाने की बात गलत बतायी है। प्रतिपक्षी के अनुसार प्रतिपक्षी ने दि. 26-2-1991 को प्रार्थी को खलासी के पद पर नियोजन में करने का प्रस्ताव दिया था जिसकी शर्त सं. 24 में स्पष्ट उल्लेख किया गया है कि उन्हें यह प्रस्ताव स्वीकार हो तो दि. 28-3-1991 तक इस पद को ग्रहण करे अन्यथा प्रस्ताव रद्द समझा जावेगा जिसकी पालना में प्रार्थी ने प्रस्ताव स्वीकार कर खलासी का पदभार ग्रहण कर लिया और उसकी लिखित सूचना 28-2-1991 को प्रस्तुत की। फलस्वरूप प्रतिपक्षी ने 16-3-1991 को प्रार्थी के खलासी के पद पर कार्यभार ग्रहण करने के आदेश जारी किये। प्रतिपक्षी के अनुसार प्रार्थी ने स्वेच्छापूर्वक प्रस्ताव स्वीकार कर कार्यभार ग्रहण कर लिया हो तो वह अब पंप चालक के पद पर नियमित नियुक्ति की मांग नहीं कर सकता है। मैंने इस तर्क पर विचार कर लिया है। प्रार्थी दैनिक वेतन पर मस्टर रोल के आधार पर सहायक पंप चालक के पद पर पांच वर्ष से कार्य कर रहा था और उससे पूर्व खलासी के पद पर सन 1981 से 20-6-1986 तक दैनिक वेतन पर कार्यरत था। ऐसी स्थिति में बेरोजगारी के युग में प्रार्थी के समक्ष प्रतिपक्षी का प्रस्ताव स्वीकृत करने के अतिरिक्त कोई विकल्प नहीं था मेरे विनम्र मत में प्रार्थी श्रमिक की दयनीय स्थिति का प्रतिपक्षी कोई लाभ प्राप्त करने का अधिकारी नहीं है। प्रतिपक्षी के प्रस्ताव को स्वीकृत कर कार्यभार ग्रहण कर प्रार्थी की स्वैच्छिक सहमति नहीं मानी जा सकती। अत: मैं इस निष्कर्ष पर पहुंचता हूं कि जब प्रार्थी पिछले पांच वर्षों से सहायक पंप चालक का दैनिक वेतन उठाते हुए कार्यरत था तो सुरेंद्र सिंह/ सीपीडबल्यूडी में पारित माननीय उच्चतम न्यायालय के निर्णय और प्रतिपक्षी के सरक्यूलर दि. 25-8-1988 के अनुसार प्रार्थी को खलासी के पर पर पदावनत करना अवैध है।

सुरेंद्र सिंह एवं अन्य/इंजीनियर इन चीफ सीपीडबल्यूडी एवं अन्य 86 (1) एलएलजे 403 में माननीय उच्चतम न्यायालय ने यह सुंदर सिद्धांत प्रतिपादित किया है कि समान कार्य कि लिए समान वेतन दिया जाना चाहिए। सीपीडबल्यूडी के दैनिक वेतन कर्मचारी वेतन और अन्य भत्ते स्थाई कर्मचारियों के बराबर प्राप्त करने के अधिकारी है। उक्त दृष्टांत में यह भी निर्देश दिये हैं कि जो कर्मचारी छ: माह से अधिक निरंतर नियोजन में है उनको नियमित करने हेतु यथोचित कार्यवाही करनी चाहिए। उक्त दृष्टांत में पारित निर्देशों की पालना में प्रतिपक्षी विभाग ने 25-8-1988 को निर्देश जारी कर मस्टर रोल पर दैनिक वेतन पर कार्यरत श्रमिकों को छ: माह में नियमित करने के निर्देश दिये। उक्त पत्र के कुछ अंश निम्न प्रकार है:-

> कामिक/प्रशासनिक विभाग द्वारा मंत्रिमंडल के अनुमोदन से दि. 7-6-1988 को जारी मार्गदर्शी सिद्धांतों के अनुसार के.लो. नि. विभाग के सभी पात्र मस्टर रोल कामगारों को वास्तविक आवश्यकताओं के अनुरूप मानदंडो आदि के अनुसार छ: महीने के भीतर अर्थात् 7-12-1988 तक नियमित कर दिया जाना है। ..... आप अपने परिमंडल के अधीन उन सभी पात्र मस्टर रोल कामगारों के सेवा रिकार्ड

की जांच करें-जिनको आपके कार्यालय द्वारा नियमित किया जाना है। उनकी ट्रेड परीक्षा इत्यादि को भी अंतिम रूप दे और सारा रिकार्ड तैयार रखें । ... जिससे नियमित करने का लक्ष्य हर हालत में निर्धारित तिथि तक अवश्य पूरा हो सके। हस्ताक्षर-उपनिदेशक, प्रशासक-II"

इस प्रकार प्रतिपक्षी के निदेशालय ने भी 25-8-88 को आदेश जारी कर माननीय उच्चतम न्यायालय के निर्णय की पालना करते हुए 7-12-88 तक दैनिक वेतन पर मस्टर रोल पर कार्यरत श्रमिकों को छः माह के भीतर अर्थात् 7-12-88 तक नियमित कर दिये जाने के संबंध से आवश्यक निर्देश जारी कर दिये। माननीय उच्चतम न्यायालय के उक्त दृष्टांत और प्रतिपक्षी के निदेशालय के निर्देशों के अनुसार प्रार्थी भी 7-12-88 से सहायक पम्प चालक के पद पर नियमित होने का अधिकारी था किंतु प्रतिपक्षी की ओर से इस संबंध में कोई कार्यवाही नहीं की गयी और प्रार्थी को 28-2-91 से आलसी बना दिया जो मेरे विनम्र मत में विधि-विरुद्ध है। प्रार्थी ने लिखित बहस में 21-6-86 से 27-2-91 तक मस्टर रोल पर सहायक पम्प चालक के पद पर कार्य करने के आधार पर 28-2-91 से सहायक पम्प चालक के पद पर स्थाई मानते हुए वेतन व अन्य लाभ दिलाने की मांग की है। अतः, मैं इस निष्कर्ष पर पहुंचता हूं प्रार्थी को दि. 21-6-86 से सहायक पम्प चालक के पद पर निरंतरता कायम नहीं करने एवं वेतन वृद्धि का लाभ नहीं दिया जाना अनुचित एवं अवैध है। चूंकि प्रार्थी ने 28-2-91 से सहायक पम्प चालक के पद पर उसी प्रकार नियुक्ति की मांग की है जिस प्रकार अन्य श्रमिक भूप किशोर, अचलाराम और नरेंद्र रेड्डी को दी गयी है, अतः, प्रार्थी उक्त अनुरोध प्राप्त करने का अधिकारी है।

आदेश

फलतः, प्रस्तुत विवाद उत्तर इस प्रकार से दिया जाता है कि अधीक्षण इंजीनियर (विद्युत) केंद्रीय विद्युत परिमंडल केंद्रीय लोक निर्माण विभाग, जयपुर द्वारा नियमित अली सहायक पम्प चालक को 21-6-86 से निरंतरता कायम नहीं करने एवं वेतन वृद्धि लाभ नहीं दिया जाना अनुचित एवं अवैध है। चूंकि प्रार्थी नियामत अली ने 28-2-91 से सहायक पंप चालक के पद पर उसकी नियुक्ति उसी प्रकार दिये जाने की मांग की है जिस प्रकार अन्य श्रमिकों को नियुक्ति दी गयी है। अतः, प्रतिपक्षी को निर्देश दिये जानते हैं कि प्रार्थी को 28-2-91 से सहायक पंप चालक के पद पर माननीय उच्चतम न्यायालय के सुरेंद्र सिंह एवं अन्य/इंजीनियर-इन-चीफ में पारित निर्णय और प्रतिपक्षी के निदेशालय के 25-8-88 के जारी निर्देश (प्रदर्श डब.72) के अनुसार प्रार्थी को उसी प्रकार से नियुक्ति प्रदान करे जिस प्रकार भूप किशोर, अचलाराम और नरेंद्र रेड्डी को प्रार्थी सेकनिष्ठ सहायक पंप चालकों को नियुक्ति प्रदान की है। प्रार्थी 28-2-91 से सहायक पंप चालक के वेतन भत्ते भी प्राप्त करने का अधिकारी है। प्रतिपक्षी उक्त निर्देशों की पालना तीन माह में करें।

जी. एस. शेखावत, न्यायाधीश

नई दिल्ली, 12 अप्रैल, 2006

का.आ. 1744.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्दीय सरकार औद्योगिक अधिकरण, कोलकाता के पंचाट (संदर्भ संख्या 10/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-04-2006 को प्राप्त हुआ था।

[सं. एल-22012/299/2000-आई आर (सी-II)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 12th April, 2006

S.O. 1744.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 10/2001) of the Central Government Industrial Tribunal-cum-Labour Court, Kolkata as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Food Corporation of India and their workmen, which was received by the Central Government on 12-04-2006

[No. L-22012/299/2000-I R (C-II)]

AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

REFERENCE NO. 10 OF 2001

PARTIES : Employers in relation ot the Management of Food Corporation of India.

PRESENT : Mr. Justice Hrishikesh Banerji, Presiding Officer

APPEARANCE

On behalf of Management : Md. Nizamuddin, Advocate

On behalf of Workmen : Mr. Manish Goswami, Advocate

State : West Bengal Industry : Food

Dated : 6th April, 2006

AWARD

By Order No. L-22012/299/2000/IR (C-II) Dated 15-1-2001 the Central Government in exercise of its powers under Section 10 (1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

"Whether the action of the management of Food Corporation of India and their Storing Agent Shri Tara Pada Ghosh in denying employment of Shri Bhagirath Mahapatra and 253 others (as per list enclosed) or not giving them the retrenchment compensation is justified? If not, to what relief the concerned workmen are entitled ?"

(2) The Learned Tribunal on receipt of the Government Order on 13-3-2001 had issued notices to the parties asking them to file their respective written statement complete with list of documents and list of witnesses.

(3) The Union, namely, Chanditala Dankuni Food Corporation of India Storing Agents Mutia Mazdoor Union (hereinafter referred to as the "Union") had filed their written statement, list of documents along with copies of documents and list of witnesses. The Employers, namely, Food Corporation of India (hereinafter referred to as "F.C.I") in turn filed their written statement, List of documents with copies of documents and list of witnesses to be examined in this case on 27th July, 2001. The Union, on receipt of the written statement of the Employers, was asked to file their rejoinder which they did on 10-8-2001.

(4) The Union has stated in their written statement that the concerned 254 workmen were working at the Godown at Dankuni owned by Food Corporation of India and were employed by one Sri Tarapada Ghosh, the Storing Agent for about 18 years or more continuously and wihtout any break. Those workers were discharging their duties as loading and unloading workers and the works so done were regular and perennial in nature and without the services of those workmen, the works at Dankuni Godown could not run smoothly.

(5) The Food Corporation of India had its own godown at Dankuni since 1993 and initially those concerned 254 workmen were directly engaged in storing works by the District Manager, Senior Regional manager and Zonal Manager of the Food Corporation of India and not through same Storing Agent, namely, Shri Tarapada Ghosh and these process of engagement directly was there from 25-04-1992 to 20-02-1993 and the Food Corporation of India had taken their services continuously during that period and all payment were also made by the Food Corporation of India directly to those concerned workmen.

(6) It is further submitted by the Union in their written statement that in case of any dispute/difference with Shri Tarapada Ghosh, the so-called storing Agent, the F.C.I. Management used to make payments directly to those concerned 254 workmen, the Management of F.C.I. had adopted an unfair means by adopting an unlawful means by recruiting new hands and foregoing the old work force to remain idle. The Union representing those 254 concerned workers had ultimately decided to adopt a path of lawful agitation including approaching the Government machinery, i.e. conciliatory machinery for necessary redress. The Conciliation Officer (Central), had to take up to the matter into conciliation and ultimately the matter was ended in failure and the present reference was made by the Government of India, Ministry of Labour for adjudication by this Tribunal.

(7) The Food Corporation of India on the other hand (hereinafter called as F.C.I.) has state in their written statement that these 254 concerned workmen in the reference were never employed or engaged by F.C.I directly or indirectly and this was the part of malpractice adopted by Shri Bhagirath Mahapatra, Chandirtala Dankuni F.C.I. Storing Agents Mutia Mazdoor Union to extract money from the unemployed youths. The F.C.I. had also raised preliminary points about the maintainability of the reference since there was no employer-employee relationship between F.C.I. and the concerned 254 workmen concerned in the Present reference case.

(8) The F.C.I. also stated in their written statement that the storing Agent at Dankuni Godown had been operated by only 22 heads and the same had no relevance with the activities of F.C.I. at Dankuni Godown.

(9) It was futher stated by F.C.I. in their written statement that in view of clause 37 of Storing Agency Agreement, 1985, the system of Storing Agency had been discontinued and as such the contentions of the Union as pleaded in their written statement, does not held good.

It was further stated that the Government of West Bengal has taken over the Public Distribution System since 1985 and as such the necessity for appointment of Storing and Distribution Agents has become unutility and therefore the liabiilty of Absorption of workers of Storing Agents, if any, lies with the Government of West Bengal only.

(10) That F.C.I. in their written statement further asserted that there were 58 (fifty eight) Storing Agents of Food Corporation of India under West Bental Region but no agitation has yet been raised by the workers working under different Storing Agents excepting the present one. In such view of the matter, it is stated by the F.C.I. that the claim of these 254 worken working under Shri Tarapada Ghosh, Storing Agent for regularisation, should not be considered.

(11) Both the Union and the F.C.I have examined their respective witnesses. The Union has led S/Shri Bhagirath Mahapatra, the Secretary of the Union, Abani Mohan Bhattacharya, retired AG-III (Assistant Grade-III) of F.C. I. and Ananda Chandra Jana, Ex-worker of the F.C.I. engaged in the work of loading and unloading at Chanditala, Dankuni. The F.C.I. on the other hand, examined only one Shri Soumendra Kumar Das, Assistant Manager (General), who was posted at the Office of District Manager (General), who was posted at the Office of District Manager, Hooghly at Chinsurah. No documentary evidence could be produced by the Union since as per evidence of Shri Bhagirath Mahapatra, the Union, all the relevant documents relating to this case, were either destroyed or lost due to heavy flood at his native village at Orissa, where all the papers connected with the case, were kept for their safety. The F.C.I. on the other hand, did not take any plea for not producing any connected documents but they could examine one witness, i.e. Shri Soumendra Kumar Das, Assistant Manager (General) who was posted much later then the relevant knowledge about the workings of the workers at Dankuni Godown. On the other hand, the Union could produce and examine the witnesses, who were in the employment of F.C.I. either directly or in connection with the workings of that working site, i.e. Chanditala Dankuni at the relevant time and had their personal knowledge.

(12) There were three witnesses examined on behalf of the Union, Shri Bhagirath Mahapatra, Secretary of the Union, W.W. 1 was examined and stated in his examination in chief which is as follows :—

(a) I happen to be the Secretary of the Chanditala Dankuni Mutia Mazdoor Union, which espoused this reference. Earlier I used to work at Chanditala Dankuni Siding. I was working there for 20 to 21 years. I used to work under F.C.I. The District Manager of F.C.I. used to make payments to me. I used to work regularly and the nature of work was perennial. I was engaged in loading and unloading of food grains.

F.C.I. has its own godown at Dankuni. I was engaged in the godown itself. In 1993 we were asked to cease work as there was no work left for us and other persons were engaged. Before my removal, no notice was served to me. We had some quarrel with the persons who were freshly engaged. During that period of quarrel with the persons the work was stopped. Persons like who were removed were asked to go to Andhra Pradesh or Orissa, but I did not go.

The District Manager was asking for money to continue with the work and since we refused to oblige him, we were removed. In 1997 received letter from F.C.I. regarding test of endurance. I participated in the said test. I got through that test. Still, I did not get the service.

Thereafter, we approached the Assistant Labour Commissioner to protest against the action of the Management. F.C.I. did not participate in conciliation proceeding. The conciliation, therefore, ended in failure.

All the original documents in my possession were destroyed in the cyclone.

We had not gone to Andhra Pradesh or Orissa because we did not get any paper in this connection."

In cross-examination by F.C.I., he has stated—"I have come to depose on behalf of all the 254 persons involved in this reference. I am Secretary of the Union since the year 1993. The Union was constituted and formed in the year 1992. The Union have the membership of these 254 persons concerned in this reference. We have formed the Union for getting the service.

We did not receive any appointment letter at the time of our engagement. We were for the first time engaged by Tarapada Ghosh. He was a contractor. All of us were maintained by Tarapada Ghosh. The account of our work were maintained by Tarapada Ghosh. He used to pay our remuneration also. He continued to pay till 1990. Thereafter, we were paid salary by the D.M. himself. No account was maintained in this regard.

Our work was supervised by Tarapada Ghosh and Inspector of F.C.I. whose name was Abani Bhattacharjee.

I had kept all my office papers in my house at the time of cyclone. There papers which were destroyed were the records of payments and the letters of the D.M. These destroyed papers included the papers of the Union and also my papers. In those papers, there were papers to show that 254 persons were working in F.C.I. and Tarapada Ghosh. The papers were there in office from before I took the charge of the Secretary of the Union. I was the founder Secretary of the Union.

I have seen papers regarding the service of other 253 persons of the reference. I do not remember what were those papers. The papers were in the office, but when I approached trouble. I took all the papers to my home. It was taken away be me on my own.

The In-charge of the Godown during the period of our work in the F.C.I. was Mr. Abani Bhattacharya."

(b) Shri Abani Mohan Bhattacharya, who was retired from the service of Food Corporation of India and was posted at Chanditala (Dankuni), to the post of AG-III (Assistant Grade-III) at the relevant time, was examined as W.W.2 and stated as follows :—

"I used to work in the F.C.I. I was on deputation to F.C.I. from West Bengal Government. I was on deputation from 1-9-81 to 31-3-1992. I was deputed to F.C.I. on the post of AG-III (Assistant Grade-III).

I was working at Dankuni in the Siding of C.C.I. I was posted at Dankuni in1986 and worked there till 1992. Bhagirath Mahapatra also used to work there. There were many persons like him. They were engaged in the work of loading and unloading. I saw them working from 1986 till I was there in 1992. I used to supervise the work of loading and unloading."

In cross-examination, Abani Mohan Bhattacharya has stated :—

"I used to maintain the attendance of these persons. There was no lower Division Clerk in the F.C.I. at Dankuni. Apart from me, there was another AG-III there. He was S.K. Das. I know Bhagirathi Mahapatra as Labour Sardar. I learnt from the labourers that Bhagirathi Mahapatra was running a Union. I learnt that there were 254 members of the Union. I have heard that those 254 persons were working there.

Tarapada Ghosh happened to be a Storing Agent of F.C.I. I do not know who used to make payment to the 254 persons. I do not know whether they were engaged by the F.C.I., but they were working in F.C.I. that I know. I do not know of any paper to show that these 254 persons were appointed and engaged by F.C.I.

I do not know Rule 41 of F.C.I. Staff Regulation, 1971. I had given some certificates regarding the work of Bhagirath Mahapatra, but I do not recollect the time when I given it. I had given the certificate of my own. I had no authority to grant such certificate. It is not a fact that whatever I have stated here are all incorrect."

One Shri Ananda Chandra Jana, one of the concerned workmen in the dispute also deposed as W.W. 3 which is as follows:—

"I know Mr. Bhagirathi Mahapatra. He happened to be the Secretary of the Union. I used to work at Chanditala, Dankuni under F.C.I. I was engaged in the work of loading and unloading. We were regular employees. I had worked till 1993. Presently, I am unemployed. I did not receive any notice at the time of cessation of my work. I had worked from 1970. Salary was paid to me by F.C.I. I was working under the Inspector of F.C.I. I did not do anything when my work ceased.

I was appointed after a test was taken.

I know Abani Bhattacharjee who was an Inspector of F.C.I. I pray for reinstatement in service. The papers concerning the case have been destroyed. I learnt it from Bhagirathi Mahapatra.

(13) The Food Corporation of India (the F.C.I.) on the other hand could produce only the witness in the case. It is relevant to observe that attempt was made on the part of F.C.I. to produce any witness on their behalf to have personal knowledge of workings at the relevant time. The F.C.I. could produce and examine only one Sri Soumendra Kumar Das who posted as Assistant Manager (General) at the office of the District Manager, Hooghly at Chinsurah since 8-10-1997. Shri Das was examined on behalf of F.C.I. as M.W. 1 who deposed as follows :—

"I am working as Assistant Manger (General) in the Food Corporation of India under the District Manger, Hooghly at Chinsurah. I am posted there since 08-10-1997. Presently I am dealing with the present matter and therefore, I have knowledge of the facts of the case.

The matter relates to the year 1990. My knowledge is derived from the documents submitted on behalf of the Management. I do not want to add anything apart from the documents filed."

(14) It is crystal clear from the analysis of the evidence of the witnesses examined on both the sides that the Management of F.C.I. totally failed to deny the liability of the concerned 254 (two hundred fifty four) workmen involved in the present dispute.

(15) In this context, I like to refer some of the Judgements of Hon'ble Supreme Court of India which are very much relevant in arriving at a reasonable decision in the present dispute.

(a) Hussainbhai -vs- the Alath Factory Tehzhilanli Union and others - A.I.R. 1978 S.C., 1410 wherein it is stated as follows :—

Para 5— ".....The presence of intermediate Contractors with whom alone the workers have immediate or direct relationship ex-contractor is of no consequence when, on lifting the veil or looking at the conspectus of factors governing employment, we discern the naked truth, though draped in different perfect paper arrangement, that the real employer is the Management, not the immediate contractor."

(b) Mohan Lal -vs- The Mangement of M/s. Bharat Electronics Ltd., -1981 Lab. Inc., 806, wherein it is stated as follows :—

Para 17 - ".....But there is a catena of decisions which rule that where the termination is illegal especially where there is an ineffective order of retrenchment, there is neither termination nor cessation of service and a declaration follows that the workmen concerned continues to be in service with all essential benefits. No case is made out for departure from this normally accepted approach of the Courts in the field of Social justice and we do not propose to depart in this case."

(c) Olga Tellis & Others -vs- Bombay Municipal Corporation & others -1985 (3) S.C.C. at page 545 wherein it is stated as follows :—

"It was held that retrenchment of the workmen without following the procedure as laid down by the Industrial Disputes Act, 1947 and Rules made thereunder has denied the fundamental right to survive and as such action on the part of any employer is nullity in the eye of law."

(16) In such view of the matter, I hold that the demand of the workmen represented by Chanditala Dankuni F.C.I. Storing Agents Mutia Mazdoor Union for employment of Shri Bhagirath Mahapatra and 253 others as per the list enclosed with the order of Reference (copy enclosed) is justified and accordingly they are entitled to get the employment with effect from 1st July, 1993 under Food Corporation of India at Chanditala Dankuni Godown or any other nearby place of their last workings.

(17) In this context, I must also make it clear that these 254 concerned workmen are not entitled to get any backwages since they did not clearly state before the Tribunal whether they have given up gainful employment during their period of unemployment.

This is my Award.

Kolkata, HRISHIKESH BANERJI, Presiding Officer
6th April, 2006.

FCI THROUGH THEIR CONTRACTORS
SRI TARAPADA GHOSH IN SEVERAL STORING GODOWNS

S. No.	Name of Labourers	Age	Father's Name	Address
1	2	3	4	5
1.	Bhagirtha Mahapatra	45	Fakira Mahapatra	AT-Sahaspur PO-Brahmaria via.-Brahmagiri Dist.-PO.
2.	Raghunath Sahoo	51	Ishor Sahoo	AT-Nandapur PO-Brahmagiri via.-Brahmagiri Dist.-PO.
3.	Maga Nayak	35	Madhab	AT-Sahaspur PO-Brahmaria via.-Brahmagiri Dist.-PO.
4.	Anada Jena	53	Baramale	AT-Sarkarkola PO-Isharpur Dist.-Jagatasingha PO.
5.	Akshaya Mahapatra	32	Budhi	AT-Chhotapur PO-Marapada-via-Brahmagiri Dist.-PO.
6.	Kaluch Jena	35	Gobinda	AT-Sahaspur PO-Brahmagiri via-Brahmagiri Dist.-PO.
7.	Duryodhan Parida	44	Keshtrabasi	AT-Bedhasundar PO-Chalmarik-via-Brahmagiri Dist.-PO.
8.	Berudhar Palai	42	Prahallad	AT-Rayaghat PO-Rohadamalv via-Brahmagiri Dist.-PO.
9.	Damodar Biswal	32	Barchha	AT-Adhaghae PO-Kasoberia via-Brahmagiri Dist:-PO.
10.	Krupisaidhodalai	40	Paramananda	AT-Talua PO-Salidea Dist.-Jajapur
11.	Dirabandhu Mahapatra	28	Arakhita	AT-Chhotapur PO-Manapoda-via Brahmagiri Dist.-PO.
12.	Banamali Barik	35	Madhab	AT-Ranapada PO-Manapoda-via-Brahmagiri Dist.-PO.
13.	Bhajaman Sahoo	35	Karhocharan	AT-Jagannathpur PO-Kusubar via-Brahmagiri Dist.-PO.
14.	Jagabandhu Mahapatra	35	Bira	AT-Sujanpur PO-Siruli-via-Chandanpur Dist.-PO.
15.	Duryodhan Nayak	38	Japadhare	AT-Sujanpur PO-Siruli via-Chandanpur Dist.-PO.
16.	Prekull Barcik	34	Raghu	AT-Brahmania PO-Brahmania-via-Brahmagiri Dist.-PO.
17.	Bhagirathi Jena	48	Udyanath	AT-Brahmania PO-Brahmania via-Brahmagiri Dist.-PO.
18.	Jayakrishna Palai	35	Kunja	AT-Rbatalapur PO-Garohicaidiga-via-Brahmagiri Dist.-PO.
19.	Balaram Muduli	32	Harihar	AT-Bainseria PO-Bainsereia-via-Dist. Jajpur.
20.	Fagudosh	40	Bansidhar	AT-Thartapur PO-Chandanpur Dist.-PO.
21.	Ahalyadash	41	Rajan	AT-Bhagabanpur PO-Chandanpur Dist.-PO.
22.	Keshasch Singha	32	Brundaban	AT-Brahmapur PO-Khajoria-via-Brahmagiri Dist.-PO.
23.	Natabar Pradhan	45		
24.	Surendra Sahoo	35	Jadumani	AT-Brahmapur PO-Khajoria-via-Brahmagiri Dist.-PO.
25.	Rama Sahoo	52	Nidhi	AT-Brahmapur PO-Khajoria-via-Brahmagiri Dist.-PO.
26.	Dibakar Nayak	38	Sabar	AT-Rayabidhar PO-Rayabidhar Brahmagiri Dist.-PO.
27.	Bamadev Nayak	38	Raghunath	AT-Rayabidhar PO-Bhandarikoda Brahmagiri Dist.-PO.
28.	Maragobinda Sahoo		Sobal	AT-Rayabidhar PO-Bhandarikoda Brahmagiri Dist.-PO.
29.	Brajakishor Dosh		Krishnachandra	AT-Badagorjar PO-Morapada Brahmagiri Dist.-PO.
30.	Sukarla Jena	35	Hata	AT-Daharigadia PO-Brahmaria Brahmagiri Dist.-PO.
31.	Indramani Bhai	41	Kumar	AT-Adhaghai PO-Brahmaria Brahmagiri Dist.-PO.
32.	Sarkar Pradhan	40	Bhima Pradhan	AT-Adhaghai PO-Brahmaria Brahmagiri Dist.-PO.
33.	Jatadhare Paria	35	Rajan	AT-Handiale PO-Gorakh Rodraga-via-Brahmagiri Dist.-PO.
34.	Bhaskar Pujari	35	Parmanda	AT-Budhasunder PO-Chalmanik-via- Brahmagiri Dist.-PO.
35.	Pramoda Nayak	35	Indramani	AT-Sahabandhkar PO-Brahmgiri-via-Brahmani
36.	Rama Sahoo	37	Gajendra	AT-Barapada PO-Sunamohi-via-Brahmani
37.	Svamidhar Mahapatra	38	Raghu	AT-Chhotpur PO-Manapuda-via-Brahmani
38.	Sudhkar Nayak	35	Jambeswar	AT-Rayabidhar PO-Bhandarikuda-via-Brahmani
39.	Harekrishna Nayak	35	Nabakishor	AT-Rayabidhar PO-Bhandarikuda-via-Brahmani
40.	Bishwanath Mohanti	37	Balabhadra	AT-Ranapuda PO-Chhatabar-via-Brahmani

1	2	3	4	5
41.	Purnab Perthoi	39	Ishani	AT-Nadipur PO-Kosubanti-via-Brahmani
42.	Dhadu Palai	39	Dhoba	AT-Brahmagiri
43.	Rabindrako Mahapatra	38	Gobardhan	AT-Sujunpur PO-Siruli-via-Chandanpur PO.
44.	Rabindra Pradhan	35	Gandu	AT-Gaudiaghai PO-Rabhdomalla-via-Brahmagiri PO.
45.	Karunakar Pradhan	35	Beru	AT-Gaudiaghai PO-Rabhdomalla-via-Brahmagiri PO.
46.	Arattran Pradhan	41	Krishna	AT-Gaudiaghai PO-Rabhdomalla-via-Brahmagiri PO.
47.	Rabindra Pradhan	33	Nada	AT-Gaudiaghai PO-Rabhdomalla-via-Brahmagiri PO.
48.	Dinabandhu Nayak	32	Biswanath	AT-Nadipur PO-Rabhdomalla-via-Kulubarti PO
49.	Prasann Jena	38	Bali	AT-Kahalapada PO-Brahmaria-via-Brahmagiri PO.
50.	Nabaghan Pradhan	38	Kulamani	AT-Kahalapada PO-Brahmaria-via-Brahmagiri PO.
51.	Trinath Sethi	33	Pancharan	AT-Tamulikudi PO-Kosubusti Brahmagiri PO.
52.	Madhab Sahoo	35	Ramachandra	AT-Kasijaria PO-Chapmaik Brahmagiri PO.
53.	Gangadhar Nayak	31	Fakira	AT-Sahaspur PO-Brahmaria-via-Brahmagiri Dist.
54.	Amena Dalai	38	Dhoba	AT-Sahaspur PO-Brahmaria-via-Brahmagiri Dist.
55.	Akhari Sethi	38	Chinta	AT-Sahaspur PO-Brahmaria-via-Brahmagiri Dist..
56.	Surendranath Jena	34	Gobinda	AT-Sahaspur PO-Brahmaria-via-Brahmagiri Dist.
57.	Krishna Chandra Shethi	31	Daitare	AT-Sahaspur PO-Brahmaria-via-Brahmagiri Dist.
58.	Pravakar Sethi	35	Balmik	AT-Tamulikdi PO-Kusubanli Brahmagiri Dist.
59.	Sundarsan Seroptie	38	Gopal	AT-Mundal
60.	Subhash Pradhan	32	Panu	AT-Luneapudar PO-Brahmaria Brahmagiri Dist.
61.	Rajendra Jena	37	Raghu	AT-Luneapudar PO-Brahmaria Brahmagiri Dist.
62.	Charona Jena	35	Banu	AT-Rayaghat PO-Rahadamolia Brahmagiri Dist.
63.	Sankar Jena	38	Hata	AT-Rayaghat PO-Rahadamolia Brahmagiri Dist.
64.	Pravakar Jena	38	Ekadashi	AT-Rayaghat PO-Rahadamolia Brahmagiri Dist.
65.	Parsuram Palai	37	Jata	AT-Rayaghat PO-Rahadamolia Brahmagiri Dist.
66.	Mahabir Jera	34	Hari	AT-Tinikodi PO-Rahadamolia Brahmagiri Dist.
67.	Dayanidhi Pradhan	39	Ramachandra	AT-Tinikodi PO-Rahadamolia Brahmagiri Dist.
68.	Bijayaku Baralla	36	Bhima	AT-Tinikodi PO-Rahadamolia Brahmagiri Dist.
69.	Jogindra Jena		Dhoba	AT-Tinikodi PO-Rahadamolia Brahmagiri Dist.
70.	Brajkishor Pradhan	32	Satrughan	AT-Rayaghat PO-Rahadamolla
71.	Dhiren Ku Jora	32	Dhareswar	AT-Haladidiha PO.-Rahadamolia
72.	Lingaraj Dalai	33	Padmacharan	AT-Nuagar PO Rebera
73.	Bhagirathi Pradhan	39	Arjun	AT-Bara Jhonga PO-Barode
74.	Rabindra Pradhan	33	Chaitanya	AT-Bara Jhonga PO-Barode
75.	Jagabandhu Mahapatra	34	Raghunath	AT-Chhotapur PO-Manapada P.S. Bgiri
76.	Bishnu Maharana	38	Basia	AT-Chhotapur PO-Manapada P.S. Bgivi
77.	Bhikhari Mahapatra	51	Benu	AT-Bergama PO-Brahmag
78.	Gaurang Sahoo	35	Anada	AT-Jaganathpuri PO-Kusubanti
79.	Kumar Sahoo	32	Naran	AT-Jaganathpuri PO-Kusubanti
80.	Dhadu Behera	32	Indramoni	AT-Palank PO-Kusubanti
81.	Bedyadhar Pujari	45	Udyanath	AT-Palank PO-Kusubanti
82.	Keluoh Bhoi			AT-Palanka PO-Kusubanti
83.	Kalu ch Sahoo	34	Banchharidhi	AT-Rayaghat PO-Rahadmall

1	2	3	4	5
84.	Kubor Paria	39	Bera	AT-Handiolle PO-Garakoodinga
85.	Jali Tora	39	Rajan Jora	AT-Rayaghat PO-Rahadamalla
86.	Rabi Pujari	38	Agadhu	AT-Palanka
87.	Rajunayak	35	Gauranga	AT-Bedhasender PO-Chapmanik
88.	Makunda Paria	35	Viko	AT-Bedhasender PO-Chapmanik
89.	Babuli Parida	32	Viko	AT-Bedhasender PO-Chapmanik
90.	Prakash Pujari			
91.	Raghunath Jera	31	Lochan	AT-Sonabrahmaria via-Brahmgiri Puri
92.	Laxmidhar Bhai	31	Raju	AT-Chhottor PO-Monapada Brahmgiri Puri
93.	Bhaskar Pujari	31	Laxman	AT-Palanka
94.	Mahendra Swain	33	Kandure	AT-Sahasbir PO-Brahmania
95.	Amina Nayak	50	Bhagaban	AT-Sarabandhakar PO-Brahmagiri Puri
96.	Lochan Jena	50	Udyanath	AT-San Brahnaria
97.	Jatadhari Nayak	38	Baidhar	AT-Sanab Bandhakara
98.	Jalandhar Sahoo	38	Hata	AT-Golara PO-Kosubenti
99.	Dinabandhu Nayak	31	Biswanath	AT-Nadilor PO-Kosubenti
100.	Guru Sahoo	43	Bhagaban	AT-Khetasodi PO-Kosubenti
101.	Mohan Pujari	44	Bhina	AT-Bedhasunder PO-Chapmanik
102.	Ranjan Pujari	32		
103.	Prashantaho Jena	33	Rama	AT-Brahnaria-Via Brahmagiri Dist.-Puri
104.	Panchanan Jena	35	Jagannath Jena	AT-Nalakcoli PO-Brahmania
105.	Panchanan Pradhan	37	Dambur Pradhan	AT-Adhaghoi PO-Kusubenti
106.	Padan Pujari	52	Vima	AT-Bedhasunder PO-Chalmonik
107.	Kumar Parida	45	Fakira	AT-Bedhasunder PO-Chalmonik
108.	Madhu Pujari	34	Gobinda	AT-Halia Benlapur PO-Chalmonik
109.	Bhaskar Nayak	34	Sudarsan	AT-Gandhkara Brahmagiri
110.	Rajakishor Mahapatra	31	Bhronakbar	AT-Sojonopur PO-Siruli via-Chandanpur
111.	Jalandhar Nayak	30	Pravakar	AT-Sojonopur PO-Siruli via-Chandanpur
112.	Mangaraj Pradhan	32	Vimaser	AT-Sojonopur PO-Siruli via-Chandanpur
113.	Ghana Behera	38	Jagu	AT-Sojonopur PO-Siruli via-Chandanpur
114.	Muralidhar Pradhan	52		AT:-Nisibhar
115.	Damdar Pradhan	35	Rajan	AT:-Kalikaruapada PO-Seruli via-Chandanpur
116.	Susarto Ku Sethi	28	Gangadhar	AT:-Seruli PO-Seruli via-Chandanpru
117.	Dillip Ku. Parida	34	Biswamber	AT:-Shrikathuapada PO-Manapada Brahmagiri
118.	Kalubiswal	35	Kuber	AT:-Sojuaupur PO-Siruli
119.	Susilanayak	30	Basuder	AT-Sojuaupur PO-Siruli
120.	Kanhoch Nayak	32	Fakir	AT-Sahaspur Brahmagiri
121.	Kumar Dalai	38	Dhoba	AT-Sahaspur Brahmagiri
122.	Akshya Ku. Sahoo	35	Madan	AT-Sahaspur Brahmagiri
123.	Kaluvayak	33	Laxman	AT-Sahaspur Brahmagiri
124.	Babuli Jera	33	Gopal	AT-Sahaspur Brahmagiri
125.	Pramod Ku. Jera	38	Madhu	AT-Kalikaivakuda PO-Sirvli via-Chandan Pur
126.	Natbar Swain	38	Giridhari	AT-Kalikaivakuda PO-Sirvli via-Chandan Pur

1	2	3	4	5
127.	Purna Pradhan	31	Laxman Pradhan	AT-Kalikaivakuda PO-Sirvli via-Chandan Pur
128.	Dhadu Parida	28	Panchu	AT-Kalikaivakuda PO-Sirvli via-Chandan Pur
129.	Puran Ch. Palai	31	Varatha	AT-Kalijharia PO -Chalmarik
130.	Chintamani Pujari	50	Bhrmak	AT/PO-Palanka
131.	Kushasan Pujari	50	Laxman	AT/PO-Palanka
132.	Dibakar Palai	34	Guruchi	AT-Chandika PO-Brahmayari
133.	Pravakar Palai	31	Guruchi	AT-Chandika PO-Brahmayari
134.	Rabi Sahoo	38	Krishna	AT-Nerakr PO-Brahmayari
135.	Dhadu Nayak	28	Kumar	AT-Nerakr PO-Brahmayari
136.	Sukadev Perthoi	30	Subal	AT-Chandika PO-Kusubeati
137.	Anirudha Nayak	33	Sidheswar	AT-Chandika PO-Kusubeati
138.	Debaraj Pradhan	33	Indramani	AT-Daharigadia Brahmania
139.	Ramachandra Perthei	28	Kartika	AT-Daharigadia Brahmania
140.	Bijaya Nayak	32	Khati	AT-Daharigadia Brahmania
141.	Bhima Pradhan	34	Gandu	AT-Golosa Brahmania
142.	Madhu Pradhan	38		AT-Golosa Brahmania
143.	Purna Palai	35	Fakira	AT-Dharaikudi
144.	Rabibiswal	29	Mangoli	AT-Khetandi
145.	Dhruba Dalai	48	Kunja	AT-Garatroadnga
146.	Kumar Palai	35	Ranjan	AT-Alarlon
147.	Jagabandhi Patra	34	Balabhadra	AT-Hatia
148.	Rabindra Nayak		Madan	AT-Nadak
149.	Ranka Palai	34	Mahadev	AT-Chadheikudi
150.	Sri Ram Pradhan			
151.	Nabaghan Nayak	33	Madhab	AT Sahaspur PO-Brahmagira Puri
152.	Sabar Bhoi	38	Lohan	AT-Barabali PO-Brahmagira Puri
153.	Babu Swair	34		AT-Karkurda PO-Kaliliswarpur
154.	Nelakantha Paiteray	32	Sudarsan	AT-Karikabadi PO-Brahmagiri
155.	Pira Pradhan	32	Jutia	AT-Baghithi PO-Bradmagiri
156.	Chhaila Pradhan	35	Diriba	AT-Bailisbate PO-Brahamgiri
157.	Pari Dash	35	Keshtra	AT-Barabati PO-Brahamgiri
158.	Janardan Nayak	35	Narayan	AT-Sanainndhakera
159.	Parakhila Sendara	50	Uchhah	AT-Brahmagri
160.	Sasibhusan Nayak	36	Guaduchi	AT-Nadipur PO-Kusuberti
161.	Chitrasen Parida	35	Laxmidhar	AT-Talapada PO-Kanas
162.	Jitendra Parida	34	Laxmidhar	AT-TalaPada PO-Kanas
163.	Laxman Nayak	52	Raghab	AT-Sahaspur
164.	Babuli Majhi	39	Dhraba	AT-Bengrama
165.	Trinath Palai	39	Kandari	AT-
166.	Kalumahapatra	35		AT-Kalajhari
167.	Manas Baliar Singh	32	Dasarathi	AT-Kalaladar Kanes
168.	Ghanshyam Dalai		Ramachandra	AT-Lureapidan
169.	Rabi Pradhan	34	Nataban	AT-Kalajharia PO-chapmanik

1	2	3	4	5
170.	Mahanta Palai	35	Jndramani	AT-Kalajharia PO-Chapmanik
171.	Amina Sahoo	35	Uchhab	AT-Brahmagiri
172.	Banambar Sahoo	34	Nakual	AT-Kesijhenia Pachal manik
173.	Gadapalai	36	Chema	
174.	Balaram Palai	38	Bhagebat	AT-Kasijhania
175.	Kumar Nayak	51		AT-Nisibhak
176.	Dukshi Shyam Tarai	31	Hari	AT/PO Manakasta
177.	Suka Parthai	38		AT-Taramala
178.	Sivabhai	38	Budhi	AT-Barebati
179.	Panchu Bhai	32	Loahan	AT-Barebati
180.	Jagabandhu Mallik	33	Budhi	AT--Barebati
181.	Bhaskar Dalai	34	Jaya	AT-Bagoain
182.	Sankar Raut	31	Jagannath	AT-Bijupur PO-Bantapur
183.	Nada Dash	32		AT-Talajaigha
184.	Jalandhar Dash	34	Ananida AT. Kathuarod	AT-Sahaspur Brahmaria
185.	Kishor Nayak	30	Banmbar	AT-Gobaradhan Pur
186.	Shyam Nayak		Bhrmar	AT-Aratinsh PO-Kusbanti
187.	Dasarathi Mahapatra		Raghd	AT-Taramall
188.	Trinath Pradhan	35		AT/PO-Siruli
189.	Prafull Pradhan	34		
190.	Krupa Sindhu Mahapatra	30	Banamdi	AT-Sahaster
191.	Bholia Mahapatra	35	Hidibandhu	AT/PO-Panaspada-*via*-Brahmargiri Puri
192.	Bibhutibhusan Mahapatra	32	Madan	AT-Sahaspur PO-Brahmaria Brahmagiri Puri
193.	Kala Behera	34		AT-Bedhasundar PO-Chalamanik
194.	Baramabar Mahapatra	36	Hadubandu	AT-Chhotpur PO-Manapuda
195.	Babuli Mahapatra	32		AT-Puri Sadarthana
196.	Abdul Zaffar	35	Rahaman	AT-Hardialli
197.	Subhas Parida	32	Rajan	AT-Kalikaruapada
198.	Swadhin Parida	35	Panchu	AT-Kalikaruapada
199.	Nabaghan Jina	33	Gopal	AT-Kalikaruapada
200.	Kailash Pradhan	33	Ram	AT-Kalikaruapada
201.	Guru Parida	34	Pati	At-Meghadash Pur PO-Athagarah
202.	Aruparada Sathi	28	Alekha	AT-Garahroadaga
203.	Narayan Mohanty	30	Raghu	AT-Bedhasundar PO-Chapmanik
204.	Manoja Pujari	32	Pari	AT-Barudi PO-Ampada
205.	Gobardhan Pradhan	33	Sindhu	AT-Sankarkul PO-Ishanpur
206.	Sudar Sen Jina	29	Purussottam	AT-Gobindapur PO-Erabanka
207.	Manajaku Sahani	32	Ishar Chandra	AT-Talua
208.	Bhagabal Dalai	33	Naki	AT-Talua
209.	Ramesh Ch. Bhuyan	34	Brahmanada	AT-Papulioliha PO-Kaligandia
210.	Nakul Ch. Pradhan	40	Rama	AT-Talua
211.	Gobinda Ch. Dalai	32	Paramanada	AT-Talua PO-Sahudia

1	2	3	4	5
212.	Anata Dalai	34	Dibakar	AT-Talua
213.	Narayan Tarai	35	Makar	AT-Talua
214.	Hrualarada Sahoo	36	Balaram	AT- Talua
215.	Managobinda Bhuyan	36	Guneshwar	AT-Talua
216.	Charan Tarai	31	Mukunda	AT-Rahipur PO-Rahipur
217.	Narayan Tarai	33	Makar	AT-/PO- Rahipur
218.	Hruda Jagabandhu Dalai	38	Nari	AT-Talua, PO-Sahodia
219.	Kalpatari Tarai	38	Pmaramanada	AT-Rahipur
220.	Bhagorathe Pradlhan	34	Jagabasdho	AT-Rahipur
221.	Subhas Ch Nada	32	Gani	
222.	Chitaranjan Panda	33	Bhagaban	AT-Fazilpur, PO-Mirizapur
223.	Dasarathi Mohanti	35	Giridhari	AT-Talua
224.	Rabisithi	35	Benga	
225.	Keli Ch Sundara	32	Beleswar	AT-Talapada Kamal
226.	Mahendra Sethi	35	Benga	
227.	Ramesh Ch Samantaray	34	Patila	AT-Talapada Kamal
228.	Somnath Sethi	33	Aparli	AT-Talapada Kamal
229.	Raghunath Jona	33	Ghanashyam	AT-Talapada Kamal
230.	Gandhar Parida	32	Fakira	AT-Talapada Kanas
231.	Manoranjan Parida	34	Laxmidhar	AT-Kanas
232.	Bharatabhol	33	Keshab	AT-Pandiakara
233.	Brajabandhu Parida	35	Purna Chandra	AT-Pandiakara
234.	Sahab Samanta Singhar	36	Panabulla	AT-Pandiakara
235.	Giridhari Sahoo	33	Satyabadi	AT-Bada Gungar
236.	Mira Kumar Nayak	36	Bonchha	AT-Nandigoda
237.	Ganga Nayak	35	Kartika	AT-Sanabondhakera
238.	Jambeshwar Pradhan	35	Rajakishor	AT-Jagannath pur
239.	Karunakar Behera	35	Baban	AT-Gadamalia pada
240.	Baburam Behera	33	Rajakishor	AT-Kanas
241.	Baleswar Bariswar	36	Raghunath	AT-Kanas
242.	Bibhu Bariswar	33	Alekha	AT-Kanas
243.	Danu Nayak	33	Guna	AT-Sarabandhakara
244.	Makund Nayak	35	Sabar	AT-Sanabandhakara
245.	Narayan Nayak	32	Bharota	AT-Sahas Pur
246.	Prasanta Ku Tina	23	Damodar	AT-Sahas Pur
247.	Gangadhar Biswal	30	Upendra	AT-Nares Pur Brahamgiri
248.	Kalu Biswal	30	Kuber	AT-Sujunu Pur
249	Pramoda Sethi	32	Kela	AT-Sujunu Pur
250.	Dama Pradhan	34	Hala	AT-Kalikanuapada
251.	Uma Prasad Dey	35	Panchanan	AT-Chanditalla
252.	Nagendra Nayak	32	Rangadhra	AT-Meni Pur PO-Basudar Pur via-Kuziapala
253.	Trilochan Biswala	35	Rama Biswal	AT-Adhaghai
254.	Illegible	37	Dibakar	AT-Bahamuni

BHAGIHATTAN CHAPATIA

D/1-3-2000

नई दिल्ली, 12 अप्रैल, 2006

का. आ. 1745—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन ओवरसीज बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या 100/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-04-2006 को प्राप्त हुआ था।

[सं. एल-12012/229/1998-आईआर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 12th April, 2006

S.O. 1745.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 100/2001 of the Central Govt. Indus. Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the industrial dispute between the management of Indian Overseas Bank, and their workmen, received by the Central Government on 10-04-2006.

[No. L-12012/229/1998-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Friday, the 29th July, 2005

PRESENT : Shri K. JAYARAMAN, Presiding Officer.

INDUSTRIAL DISPUTE NO. 100/2001

(Tamil Nadu State Industrial Tribural I.D. No. 50/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes act, 1947 (14 of 1947), between the Management of India Overseas Bank and their workmen)

BETWEEN

The Vice President, All India Overseas Bank Employees Union, Chennai : Ist Party/ Claimant

AND

The Chairman-cum-Managing Director, Indian Overseas Bank, Chennai : IInd Party/ Respondent

APPEARANCE :

For the Claimant : Mr. C. R. Chandrasekaran Advocate

For the Management : M/s. N.G.R. Prasad Advocates

AWARD

The Central Government, Ministry of Labour vide Notification Order No. L-12012/229/98-IR(B-II) dated 26-02-99/09-03-99 has earlier referred this industrial dispute to Tamil Nadu State Industrial Tribunal for adjudication. The Tamil Nadu State Industrial Tribunal has taken the same on its file as I.D. No. 50/99 and after the constitution of this Central Government Industrial Tribunal-cum-Labour Court, the said Industrial dispute was transferred to this Tribunal and after the receipt of records of this dispute, it was re-numbered as I.D. No. 100/2001 and issued notices to both sides and both sides entered appearance through their advocates and filed their claim statement and counter statement respectively.

2. The Schedule mentioned in the order of reference is hereunder :–

> "Whether the dismissal order dated 30-3-1996 issued by the management of Indian Overseas Bank, Chennai against the workman Shri M.V. Anantharaman is justified ? If not, what relief is he entitled to ?"

3. The allegations in the amended Claim Statement of Petitioner Union are briefly as follows:

The Petitioner Union espouses the cause of Sri M. V. Anantharaman, who was working as a clerk in the Nachalur branch of Respondent/Bank, while so, he was suspended on 10-11-1992 on the allegation that he had committed certain acts of commission and omission which are prejudicial to the interest of the bank. He was served with first charge sheet dated 10-5-93 more than after six months after suspension on 10-11-92 and subsequently an additional charge sheet dated 1-2-1994 was issued. All the charges in these charge sheets are vague and not precise rendering themselves not amenable for effective defence. All the alleged letters (complaints) were taken from the persons who are alleged to be account holders. But, they were not witnesses at the enquiry to speak about their identity and veracity of the contents of such letters. In respect of the first charge, neither Mr. G. Raddhakrishan, Bank's appraiser nor Mr. Velusamy was a witness at the enquiry. Proceeds of both withdrawal slips were received by Mr. Velusamy as desired by Mr. G. Radhakrishan himself in respect of his withdrawal. Mere allegation that withdrawal slips were obtained from them and the amount was withdrawn from their account and misappropriated by the workman in collusion with the Manager cannot by itself be proof and no collusion or misappropriation was established at the enquiry. As regard to charge No. 2 of first charge sheet, annexure attached to charge sheet does not certain any vital details such as CL account Nos., suit filed account filed account number, the dates when the suit filed accounts were sanctioned and date of their closures or date of granting of loans for the purpose of closure of suit filed accounts. With regard to charge No. 2, there was no witness at the enquiry to speak in favour of the charge alleging that the workman and Manager misappropriated a sum of Rs. 51,479. There is no document at the enquiry for the workman concerned having

misappropriated any sum in collusion with the Manager. As regards Charge No. 3 of the 1st charge sheet, all the loans referred to in the charge sheet were closed before the time of investigation itself and Rs. 49,300 was never outstanding at any point of time nor was it so established at the enquiry. This amount is aggregation of Jewel loans sanctioned to the workman or to his wife over a period of years. The agricultural jewel loans were availed by two different parties, namely one Sri T. P. Ramasamy and one Sri Amavasai but not by the workman. In regard to charges 1 to 5 with annexure A to E, in additional charge sheet, the charges are patently fake and the conclusions arrived at are totally perverse. The Agricultural Rural Debt Relief Scheme was a scheme introduced by Central Government and it is incorrect to allege that they remitted more than the amounts mentioned in the vouchers, more especially as the ARDRS itself was widely published by Government and the banks. All these accounts were closed as early as 1990. The alleged complaint letters which are mostly stereotyped and some of them in the handwritings of management witnesses. No document of relevance was produced at the enquiry to establish these charges. Some of the complaints do not be a date. As the accounts were stood closed as per the decision of Manager, cash payments of the benefit against their signature by way of stamped receipts were made by defiting Sundry creditors accounts to which credits were made under ARDRS for closed accounts. The concerned employees were not aware of any rule or guidelines or regulation which stipulate that such payments should be made by banker's cheque only. With regard to charge No. 6 of additional charge sheet, Mr. A. Govindaraj was not a witness at the enquiry to speak that he paid a sum of Rs. 15,513 on the basis of the concerned workman's advise to him. The workman was not a cashier on that date. Mr. Govindaraj subscribed his signature on the reverse of the credit voucher for Rs. 12731 and denomination of credit made were in addition marked in the voucher. Under such circumstances, it cannot be considered that Mr. A. Govindaraj remitted Rs. 15,513 and not Rs. 12731 Charge No. 7 of additional charge sheet is repetition of one of the accounts found in Charge No. 2 of the first charge sheet. All these transactions relate to decisions made by the then manager and conveyed to workman for their execution which the workman carried out. Under such circumstances, it cannot be held as connivance or collusion with the manager. Even as on date, not a single person has acted upon his alleged complaint by claiming remedy based on the complaint or the bank paid any amount to any of them in this regard. Further, the respondent has not specifically stated as to how much was the substantial amount of loss on account of alleged misappropriation made by the workman. It is clear that the Presenting Officer and Enquiry Officer have behind the back of concerned workman connived with each other against him to hold guilty of Charges. The workman addmittedly gave his reply to the show cause notice both in wirting and orally on 30-3-96, the very date of hearing. But the order of Disciplinary Authority dismissing the concerned employee from service was based on the same date as predetermined by the Enquiry Officer in connivance with the management. The Appellate Authority has also not considered the management's submission but passed an order without application of mind. The CBI witness has admitted by implication that he did not make any independent investigation but relied on Mr. Sitaram Bhat's inspection reports. Any mention of adjustments on the reverse of any vocuher cannot acquire any meaning unless the persons involved has to say something about them and the workman concerned has an opportunity to rebut them and that too within a reasonable time. Hence, the dismissal order passed by the Respondent/Management dated 30-3-1996 against the concerned employee is not justified. Hence, the Petitioner prays that the concerned employee is entitled to reinstatement from the date of dismissal with all consequential benefits.

4. As against this, the Respondent in its Counter Statement alleged that the concerned employee was suspended on 10-11-1992 for various misconducts committed by him by the Disciplnary Authority, while, he was working as clerk/shroff at Nachalur branch of the Respondent/Bank. Under the provisions of Bipartite Settlement which binds the management and workmen nor under law, it is not required to mention the charges in suspension order itself. It was charged that the concerned employee in collusion with Sri M. Muruganandam, Management of the bank, the concerned employee dishonestly and fraudulently misappropriated Rs. 9900 and Rs. 10,960 from S. B. Account of one Mr. Radhakrishnan, jewel appreaiser of the branch and S. B. Account No. 2092 of Mr. R. Velusamy, The concerned employee also miappropriated a sum of Rs. 51,479 remitted by the borrowers toward their loan dues. He also exercised pressure on Branch Manager and got jewel loan sanctioned in his name and in the name of his wife and as on 13-11-90, a sum of Rs.49, 300 was due from them on account of jewel loan. Further, concerned employee availed agriculture jewel loan No. 122/90, 403/90 for Rs. 9300 and Rs. 12000 respectively, thoguh he was not eligible for the same. Further, the Petitionor misappropriated Rs. 57,142.15 in collusion with cashier Mr. V. Arunachalam and the Manager Mr. Muruganandam, from out of the amount received from ADRS. further, the concerned employee concealed the amount recived and credited to the accounts of customers by way of debt relief and made them to remit more amounts than the amount due from them and misappropriated a sum of Rs. 13,608.60 moreover, he misappropriated a total sum of Rs. 16,028.00 Rs. 13862 and Rs. 11,388 from out of debt relief amount credited into the accounts of various borrowers. A sum of Rs. 2782 was also misappropriated by him in

respect of loan account of Mr. A. Govindaraj and another sum of Rs. 8000 in respect of another borrower Mr. Chellappa. An enquiry was held into both the charge sheets and in the enquiry all the charges were held as proved. Hence, the Disciplinary Authority by an order dated 30-3-96 dismissed the concerned employee from service and the appeal preferred by the concerned employee to Appellate Authority was also dismissed on 17-9-96. Specific and definite charges were framed against the concerned employee for each of his misconduct and it is false to allege that they are vague. All the charges are ture and valid and they were not issued with any ulterior motive. The charges were proved by documentary and oral evidence. It is established before the domestic enquiry that Sri G. Radhakrishnan only lent his name in these transaction as asked by the Manager and he had not received any cash from the branch for these transactions. In the domestic enquiry there was ample, sufficient, vital and legal evidence in the enquiry to establish the charges against the concerned employee and the concerned employee has not brought any evidence to disprove the charges. In the enquiry, it is revealed that a sum of Rs. 51,479 remitted by borrowers towards their dues had been misappropriated by the concerned employee and the Manager. Mr. L. Muruganandam, Manager was charge sheeted for the above misconduct with other charges and after duly conducted domestic enquiry, he was found guilty of charges made against him and was dismissed from service by the Disciplinary Authority by an order dated 30-5-96. The High Court of Madras dismissed the W. P. No. 17447/96 filed by Mr. Muruganandam upholding the order of Disciplinary Authority and in that the High Court observed that the above charge of misappropriation by Mr. Muruganandam in collusion with the concerned employee was proved. Therefore, the concerned employee cannot put blame on the other staff alone. It is well established that the Petitioner exercised pressure on the Branch Manager and got the loan sanctioned in his name and in his wife's name. Charges 1 to 5 with annexure A to E in additional charge sheet framed against the Petitioner were true and valid. The Petitioner misappropriated a sum of Rs. 57142.15 in collusion with Sri V. Arunachalam, Cashier and Mr. L. Muruganandam, Manager. Mr. V. Arunachalam concealed the amounts credited to their accounts under ARDRS and advised them to remit more amount than the actual amounts due and the amount so remitted was received by the Petitioner as cashier and thereby he misappropriated a sum of Rs.13,608.60 in connivance with Mr. V. Arunachalam, Clerk and Mr. L. Muruganandam, Manager of Respondent/Bank. Further, the concerned employee himself concealed the credit of ARDRS amount to the borrowers mentioned in Annexure C of charge sheet and collected more amount than the actual amount due from them and misappropriated a sum of Rs.16,208 in connivance with Mr. L. Muruganandam, Manager of the branch. He further misappropriated a sum of Rs.13,862. The contention of the Petitioner regarding non-examination of complainants is not tenable as their letters were marked as management witnesses through recipients and Petitioner would have introduced them as their witness to disprove their letters. Complaints were made by borrowers whenever they had knowledge of misappropriation and excess payment made by them due to the misappropriation committed by the concerned employee and other staff members. It cannot be said that the Enquiry Officer's report is perverse. The appellate order is a speaking order and it cannot be said Appellate Authority had not applied his mind. There is no wrong in law in passing the order on the day of personal hearing itself. No doubt, some of the documents were marked as copies but the concerned employee has not objected when the same was marked as management exhibits. Therefore, at this late stage he cannot now questioned the validity of evidence before this Tribunal. The original documents are with the CBI for their investigation purpose. The concerned employee has not all raised any objection during the proceedings and cannot have any objection on the same because some of the exhibits were marked as Xerox copies. Quantum of loss suffered by the bank is not required to prove the misconduct committed by the concerned employee. Sri D. Balasubramanian is entitled to act as Enquiry Officer as well as Disciplinary Authourity in the petitioner's case and therefore, the order passed by the Disciplinary Authority is in accordance with the provisions of Bipartite Settlement. Hence, it is prayed that the claim may be dismissed with costs.

5. In such circumstances, the points for my consideration are—

(i) "Whether the dismissal order dated 30-3-96 issued by the Respondent/Management against the concerned employee Sri M.V. Anantharaman is justified?"

(ii) "To what relief, is he entitled?"

Points No. 1:—

6. The admitted facts in this case are that the concerned employee Sri M. V. Anantharaman was employed as a clerk in Nachallur branch of the Respondent/ Bank. When the incident took place and at that time one Mr. L. Muruganandam was the Manager and the concerned employee in I.D. No. 91/2001 one Mr. V. Arunchalam and the concerned employee in I.D. No. 99/ 2001 one Mr. S. Subramanian were also employed as clerks and they were exchanging duties as clerk and cashiers. It is also admitted that two charge sheets were issued to the concerned employee. The first charge sheet dated 10-5-93 which contains five charges and 2nd charge sheet dated 1-2-94 which contains four charges in which a departmental enquiry was held and the petitioner was dismissed on 30-3-96. Out of the five charges on the 1st charge sheet

dated 10-5-93 issued to the concerned employee in this dispute, charge No. 1 has been stated as not proved.

7. On behalf of the Petitioner, it is contended that the two charge sheets are vague and not precise and no witnesses (complainants) were examined to speak about their complaints alleged to have been given by them and therefore, the complaints given by the alleged accountholders cannot be treated as evidence at the enquiry and there is no proof of collusion between the concerned employee and the Manager Sri L. Muruganandam. Further, on the side of the management, no attempt was made at the enquiry to prove the collusion. The alleged nexus between the Manager and other Clerks to misappropriate the amount has been proved. Further, there was no evidence at the enquiry that the workman can do anything with any transaction much less misappropriation of the alleged funds of Rs. 51,479 or other sums. Further, no original document was produced before the enquiry or before the Tribunal to prove that the concerned employee having misappropriated any sum in collusion with the Manager Mr L. Muruganandam and it is also not established by the Management with regard to the charge of misappropriation. It is also alleged by the Petitioner that CBI Inspector could not say anything against the workman in regard to the charges namely collusion, connivance and other frauds. It is also not proved that accountholders have remitted more than the amounts mentioned in vouchers especially with regard to ARDRS and therefore, the finding that the charges have been proved except charge No. 1 is baseless and without any proof and therefore, the finding of the Enquiry Officer and the order of Appellate Authority are perverse and only passed to victimise the concerned employee.

8. As against this, on behalf of the Respondent it is contended that the Manager of Nachallur branch was dismissed on 30-4-96 from service after departmental enquiry in respect of certain charges in which the concerned employees also involved. The said Mr. L. Muruganandam challenged the order of dismissal before the High Court in W.P. No. 17447/96, which was dismissed by High Court on 8-1-2002 on merits and some of the objections made by the concerned employee in this industrial dispute were also taken by the said Mr. L. Muruganandam and it was considered by the High Court and held against the said Manager Mr. L. Muruganandam. In this background, this industrial dispute has to be considered. Further, prior to charge sheeting of the concerned employee, there was a thorough investigation conducted by Mr. H.L. Sitaram Bhat and Mr. N. Dhinakaran, they have also submitted a detailed investigation report along with complaints, vouchers, demand promissory notes as annexures. The said investigation officers were examined in the domestic enquiry and the inspection report was also marked in the enquiry proceedings. though the charge No. 1 of the first charge sheet has been held as not proved with regard to other charges, it has been clearly established that the guilt against the concerned employee has been proved. One of the charges relates to misusing of DBP facility. The charge is that a cheque for Rs. 12,000 was purchased by the Nachallur branch under DBP No. 207/91 dated 9-9-91 on behalf of one Sri G. Radhakrishnan, who was Jewel Loan Appraiser of the same branch but on the same day i.e. on 9-9-91 the amount of Rs. 11,957 was credited to S.B. account No.2644 of Mr. Radhakrishnan after commission. But the said Sri Radhakrishnan by his letter denied that he ever availed any DBP facility and on investigation, the investigating officers came to the conclusion that DBP facility was not availed by the said Mr. Radhakrishnan and it was misused by the branch in the name of Mr. Radhakrishnan and the said Mr. Radhakrishnan had acted only as a name lender. Further, it shows that the above DBP facility was realised based on cash payment only on 26-11-91 and not based on realisation of cheque which was purchased by the branch. Further, on the reverse of the credit cash voucher, the one another employee namely Mr. V. Arunachalam has recorded the adjustment of agricultural loan No. 53/91 for Rs. 8000. The said agricultural loan No. 53/91 pertains to second stage loan amount of Rs. 8000 of Mrs. M. Palaniammal which was released on the same day i.e. 26-11-91. The debit cash agricultural advance voucher No. 53/91 was signed by the concerned employee namely Mr. Arunachalam. At that time, the concerned employee was the cashier disbursing the cash. Further, there was no denomination in the back side of the debit cash agricultural voucher. Thus, it clearly shows that there was no cash disbursement to Mrs. Palaniammal by the concerned employee, but the same was adjusted to DBP facility enjoyed in the name of Sri G. Radhakrishnan in collusion with the Manager. Further, the Manager who was the person who granted DBP facility to Sri Radhakrishnan, was not a trader but only a jewel appraiser. These incidents show that the Manager alone is not responsible for all these misdeeds and the concerned employee and also other employees of the bank were in collusion with the said Manager. Therefore, the Enquiry Officer has held that it was proved by substantial evidence.

9. But, as against this argument, learned counsel for the Petitioner argued that though it is alleged that Writ Petition filed by the Manager Mr. L. Muruganandam was dismissed, it bears no relationship with the charges levelled against the concerned employee. Further, the Writ Petition was under Article 226. The admitted allegations were listed in para 11 of the judgement, basing

on which the Writ Petition was dismissed and none of them relates to the concerned employee. With regard to 2nd charge, the Enquiry Officer relied on the xerox copy of the purported complaint of Mr. G. Radhakrishnan and the said Mr. Radhakrishnan was not examined in the domestic enquiry. The Manager to whom it has stated to have been addressed was also not examined before the domestic enquiry. The alleged original complaint of this person was not admittedly in evidence. Further, even in the xerox copy of the complaint, the said Sri Radhakrishnan has not alleged against the concerned employee. It is established that Mrs. Palaniammal received the proceeds under the debit cash agricultural voucher No. 53/91 in cash signed on its reverse stamped receipt. ME20 which is marked in the enquiry namely credit cash challan signed by Mr. G. Radhakrishnan, is to prove that he having remitted it. Though there is no mention about the denomination, such marking of denomination is in any event, for the purpose of cashier's convenience for tallying the cash for the day and nothing can be taken against the concerned employee. Above all, these vouchers have been authenticated by the branch officials but no collusion was established with regard to these vouchers. Further, there is no clear evidence to show that Sri G. Radhakrishnan was name lender and except the allegations in the letter which was also not established in the enquiry. Though the Respondent alleged that DBP facility is meant only for traders, no document was produced before the enquiry that it is only for the traders and not to others. Further, a perusal of DBP register would reveal that most of them were given to staff and other customers who are not traders, under such circumstances, the allegation made by the Respondent/Management that the branch has misused the DBP facility is without any substance. Therefore, under such circumstances, It cannot be said that the charge No. 2 has been proved against the concerned employee. Learned counsel for the Petitioner further relied on the rulings reported in 1964 STJ 98 MEENGLASS TEA ESTATE *Vs.* WORKMEN wherein it is held that "*it is an elementary principle that a person who is required to answer a charge must know not only the accusation but also the testimony by which the accusation is supported. He must be given a fair chance to hear the evidence in support of the charge and to put such relevant questions by way of cross-examination as he desires. Than he must be given a chance to rebut the evidence led against him. This is the bearest requirement of an enquiry of this character and this requirement must be substantially fulfilled before the result of enquiry can be accepted. A departure from this requirement in effect throws the burden upon the person charged to repel the charge without first making it out against him.* "The next decision relied on by the learned counsel is AIR 1959 SC 1111 PHULBARI TEA ESTATE *Vs.* WORKMEN wherein Three Members Bench of the Supreme Court have held "*rules of natural justice require that a party should have the opportunity of adducing all relevant evidence on which he relies that the evidence of opponent should be taken in his presence and that he should be given the opportunity of cross-examining the witnesses examined by that party and that no materials should be relied on against him without his being given an opportunity of explaining them.*" The next decision relied on by the counsel for the Petitioner is 1967 II LLJ 149 MANDANNA (A.M.) *Vs.* DIRECTOR OF MEDICAL SERVICES where in the Division Bench of High Court of Mysore has held that "*the enquiry authority cannot merely rely on earlier statements of witnesses in support of his conclusions when those witnesses did not appear before the enquiry authority, nor did they admit the correctness of these statements. So their statements did not form part of the record on which dependence could be placed in support of the charges.*" He further relied on the decision reported in 1978 II LLJ 437 INDIAN AIRLINES AND OTHERS *Vs.* W.B. CORREYA wherein the Division Bench of Madras High Court has held that "*it has always been recognised that cross-examination is the most effective and efficacious test which law has devised for the discovery of truth. Consequently any impairment of this right, whether deliverately or accidentally will have the effect of preventing a person who cross-examine from establishing the truth. Equally, it is well settled that if a witness has made a contemporaneous record of what he has seen or heard the same can be used for refreshing his memory in the course of his giving evidence. But, certainly a statement made by him at the stage of a preliminary enquiry cannot be said to be a record made by him of what has happened in the present case in contrary to the well established principles that have regulate proceedings before any judicial authority and even in a domestic enquiry.*" Relying on all these decisions, learned counsel for the Petitioner argued that though MW1 and MW2 have deposed before the enquiry that they have taken the statements of complainants, the said persons were not examined before the domestic enquiry and further, one of the witnesses namely Mr. Seetharam Bhat does not know Tamil and he has not given any evidence to show how he has perused all these things which were in Tamil. Under such circumstances, by producing complaints given by the accountholders, the Enquiry Officer can not come to a conclusion that the charges framed against the concerned employee has been proved. Further, the counsel for the Petitioner contended that in this case MW1 and MW2 alleged to be investigating officers. MW3 is the CBI Inspector, but none of them have deposed with regard to any collusion or misappropriation by the concerned employee, there is no evidence in the enquiry about the original statements. Though at the time of enquiry, it was stated that original statements were under the custody of CBI and there was not even

an iota of evidence to prove that these original statements were with the CBI. Further, even the available statements admitted by the concerned employee were also not produced before the domestic enquiry. Even the CBI Inspector who was examined as MW3 has also not deposed that originals are with the CBI. MW2 who has initially conducted investigation, further stated that he has assisted the other investigation officer namely MW1, but MW1 stated that the CBI conducted full inspection on 8-10-92 between 11.30 am to 2.30 pm which proves that within a short period of three hours, they have obtained the statements of accountholders in different places which is unbelievable. Further, the statements are dated post his inspection. Even in his investigation report MW1 has not clearly stated that the concerned employee with the collusion of others have made this fraud. But before the enquiry, how he has come to the conclusion that these frauds of misappropriation were done by the concerned employee in collusion with the Manager. He cannot improve and could not have improved on what he has stated in his report. Further, the CBI Inspector namely MW3 has not recommended for any disciplinary proceedings against the concerned employee. Under such circumstances, based on the Investigation Officer's (MW1) oral evidence, it cannot be held that the charges framed against the concerned employee have been proved. Above all, in this case, the concerned employee is only a clerk and he has no authority to grant or deal with advance and he has carried out the instructions of his superior officers which is evident from the passing/ authentication of documents and further at that time Mr. L. Muruganandam was the Manager and Mr. Narayanan was the Accountant and Mr. Venkata Subbu was the SCA at the branch. Though the Respondent/Bank has taken action against Mr. Muruganandam, they have not given any reason for not taking any action against Mr. Narayanan or Mr. Venkata Subbu. Further, except one or two, no statement says that the concerned employee has misappropriated the amounts. Under such circumstances, only relying on the alleged complaints made by the account holders, who were not examined before the domestic enquiry and only basing on the vague allegations, it cannot be said that the charges have been proved against the concerned employee. Further, the statements were given behind the back of the concerned employee and the persons who have given statements were not cross-examined by the concerned employee before the domestic enquiry. Under such circumstances, the statements given by the accountholders cannot be taken as God spell truth and the Enquiry Officer cannot come to a conclusion that by some mere statements, the allegations against the concerned employee have been proved. Under such circumstances, no reliance can be placed on the alleged statements given by the accountholders.

10. I find much force in the contention of the learned counsel for the Petitioner because though the Supreme Court has held in 2000(4) LLN 598 STATE BANK OF INDIA *Vs.* TARUN KUMAR BANERJEE that *"non-examination of complainants, non-production of money, non-production of so called confessional statements and non-production of any evidence, which may have been available, but as far as the evidence tendered by two witnesses are concerned who actually saw the incident having taken place in the manner referred to earlier, the charge of misconduct against the 1st Respondent stood proved to guilt and we failed to appreciate as to how the Tribunal could have taken any other view and a customer of the bank need not be involved in domestic enquiry conducted. As such, a course would not be conducive do proper banker customer relationship and therefore, would not be in the interest of the Bank"*, in this case, there is no clear allegation against the concerned employee and there is no clear evidence by the persons examined in the enquiry that the concerned employee has been committed the alleged misconducts mentioned in the charge sheet. Under such circumstances, I cannot come to a conclusion that non-examination of complainants will not be fatal to the case of the Respondent. In this case, the persons who had examined in domestic enquiry were not eye-witnesses for the allegations made in the charge sheet and they have alleged to have come to a conclusion from the complaints alleged to have been made by the account-holders. Under such circumstances, the accountholders must have been examined in the enquiry to prove the charges against the concerned employee. But, the complainants namely accountholders have not been examined to substantiate the charges framed against the concerned employee. Therefore, I find the charge framed against the concerned employee has not been proved with any satisfactory evidence.

11. With regard to other charge, which relates to availing of agricultural loan and jewel loan, it is argued on behalf of the Respondent that concerned employee has availed jewel loan for more than Rs. 49,300 and it is evident that the Branch Manager has power to grant loan to the staff only to the tune of Rs. 12000 whereas the concerned employee has got Rs. 49,300 sanctioned in his name and also in the name of his wife. Thus, it is clearly proved that the concerned employee has exercised pressure on the Branch Manager to obtain more loan amount than the eligibility. It is further argued that the concerned employee has availed agricultural jewel loan at a concessional rate of interest for which staff member of the Respondent/Bank is not entitled to avail. It is further argued on behalf of the Respondent that for the same offence, the Manager, Mr. L. Muruganandam was also charge-sheeted and also found guilty which the High Court has also upheld the same.

12. But, here again, the learned counsel for the Petitioner contended that the discretionary power of

Manager, on which the reliance was placed was not in evidence before the enquiry proceedings. Even assuming for argument sake that the concerned employee has availed jewel loan and agricultural jewel loan the same was for over a period of two years and on the date of enquiry, there was no due in the said loan. Further, there is no evidence as to why the concerned employee exerting pressure on the Manager. Neither the Manager nor any witness was examined to substantiate the alleged pressure exerted by the concerned employee. Further, there is no documentary proof that agricultural jewel loan cannot be availed by the staff and the rate of interest charged on the jewel loan for the staff is less than the rate of interest charged for agricultural jewel loan. Under such circumstances, it cannot be said that the charge against the concerned employee was proved.

13. I find much force in the contention of the learned counsel for the Petitioner because no substantial evidence was produced before the enquiry that the concerned employee has exerted pressure on the Manager, the Enquiry Officer cannot hold on presumption and because of that the concerned employee has availed more than Rs. 49,300 as jewel loan and agricultural jewel loan. As such, I find this charge was also not proved.

14. The next charge against the concerned employee is that closure of suit filed accounts. The learned counsel for the Respondent contended that there is clinching evidence to support the said charge that the Branch Manager Mr. L. Muruganandam sanctioned fresh loan/ receiving higher amounts and difference amount was misappropriated by the concerned employee with the collusion of Manager and other employees. He again relied on the statements given by borrowers in the presence of investigation officers and argued that it clearly proves that the concerned employee in collusion with the other clerks namely Sri V. Arunachalam and Sri Subramanian has misappropriated the borrowers money.

15. With regard to this, learned counsel for the Petitioner contended that here again, there is no evidence except the alleged statements given by borrowers in the presence of the investigating officer. As he has already argued that MW1 who does not know Tamil has not stated how he has testified the statements given by the borrowers. The originals of the statements were not produced before domestic enquiry. When it is alleged that suit filed accounts were paid by the respective borrowers in cash, it was not contradicted with any clinching evidence that it was not done so.Under such circumstances, the alleged misappropriation by the concerned employee in collusion with the Manager cannot be said to be proved against the concerned employee.

16. Here again, though the Respondent/Bank relied on the Xerox copies of suit filed accounts, all the allegations made by the account holders had not been testified before the enquiry. Neither the investigating officer nor the Enquiry Officer can presume or assume things from the statements of account holders. The account holders though alleged to have been given statements which were behind the back of the concerned employee and under such circumstances, the said account holders must be examined before the enquiry to substantiate their claim. But, I find the Enquiry Officer presumed certain misdeeds alleged to have been done by the concerned employee and had come to a wrong conclusion, which, I think, is not proper on the part of the Enquiry Officer.

17. The next charge on the concerned employee is that on the implementation of Agricultural Rural Debt Relief Scheme (ARDRS) loan accounts of the borrowers were credited with relief amount, but not informed to the borrowers and when the borrowers were called on the branch to close the accounts, the concerned employee deliberately concealed the amount of ARDRS credited and advised them to remit more than the actual amount due and the excess amount so remitted by them was misappropriated by the Cashier with the collusion of others and they relied on the complaint letters of Sri P. N. Ramasamy, Sri M. Ramaiah and Sri Abdul Latiff given to the investigation officers and the Respondent/Bank alleged that Agri. jewel ledger Account No. 201/87 of Mr. N. Ramaiah was done by the concerned employee Mr. M. V. Anantharaman and the credit cash voucher AJL 377/91 dated 21-5-1991 for Rs. 385 pertaining to Mr. Ramasamy were prepared by the concerned employee. Similarly, the credit cash voucher pertaining to Mr. Abdul Latiff was prepared by the concerned employee which will prove that the concerned employee is involved in the misappropriation with collusion of others. Similarly complaint letters of P. Pitchai, P. Suriyan, N. N. Nagarrajan and Idumban will clearly show that the complainants have paid more money than the loan outstanding and they were misappropriated by the concerned employee with the collusion of Mr. Arunachalam and others and further the concerned employee also misappropriated the money of customers namely Mr. Ramasamy Reddiar, Kanagambal, Thandavan, Veeramalai and it is clear that they have not received the ARDRS amount and Mr. V. Arunachalam was the Cashier on those days and from the investigation report, it is clearly established the modus operandi adopted by the concerned employee in collusion with other employees in misappropriating the ARDRS amount.

18. As against this, learned counsel for the Petitioner contended that out of the charges, some of them relate to loan accounts remaining outstanding as on 31-8-90 and the other charge relates to payment of relief amounts to borrowers who closed their loan accounts earlier to 31-8-90. With regard to all these complaints, there is no evidence to support that excess amount has been paid which was alleged to have been misappropriated. Except the bald allegation in the complaints, there is no substantial

evidence to prove this allegation. Further, these statements are in Tamil and it cannot be said that MW1 who do not know Tamil, how he has come to a conclusion from these Tamil statements that the concerned employee has misappropriated the said amount. When there is no proof that borrowers had paid more than the amount what they were liable, either the investigation officer or the Enquiry Officer cannot hold that they have paid more than what they were liable to pay from the mere allegations made in the statement that too behind the back of the concerned employee. In such circumstances, without proving the statement made by the concerned borrowers are true and without proving the allegations made against the concerned employee, the Enquiry Officer cannot come to a conclusion that the charges framed against the concerned employee in this regard were proved by the investigating officers.

19. Then, again the learned cousel for the Respondent contended that the Supreme Court has held in 1991 I LLN 979 that *'non-supply of original documents will not vitiate the enquiry'* and in this case the petitioner never had any grievance for marking Xerox copies of documents during the enquiry proceedings. Further, the honesty and integrity of the concened employee is seriously in question and therefore, in any event, reinstatement can never be granted and the Respondent/ Bank has lost confidence in the concerned employee and the job in a bank dealing with money requires persons of trust and confidence. Since the Respondent/Bank has lost confidence in the concerned employee, no order of reinstatement can be ordered by this Tribunal. Further, the counsel for the Respondent relied on the rulings reported in 1970 2 LLJ 56 BURN & CO. LTD. Vs. ITS WORKMAN AND ANOTHER wherein the Supreme Court has held that "Labour Court had jurisdiction to see whether the board of enquiry had observed the rules of natural justice and conducted the enquiry in a manner to which no exception could be taken. If these conditions were fulfilled and if the standing order of the company entitled the board to pass an order of removal from service in case of major misdemeanour, it was not within the jurisdiction of the Labour Court to order reinstatement of the workman. The Supreme Court further held that "it is not for the Labour Court to sit in appeal over the board of enquiry with regard to second charge and even if the second charge has not been proved, then the order of dismissal was good on the basis of first charge" and when the enquiry did not affect any principles of natural justice, the Labour Court fell into an error in exercising its appellate power by coming to a different conclusion." Relying on these decisions, learned counsel for the Respondent contended that out of the ten charges, even one item of misappropriation is sufficient for warranting dismissal of the concerned employee from service because of his fiduciary capacity and therefore, when the bank has lost confidence over the concerned employee, no reinstatement can be ordered by this Tribunal.

20. Though I find some force in the contention of the learned counsel for the Respondent in this case, from the materials produced before this Tribunal and on the arguments heard on both sides, I find no charge against the concerned employee was proved by any substantial evidence and the Enquiry Officer has come to the conclusion only on the presumption. Under such circumstances, I find the dismissal order passed by the Respondent/Management dated 30-3-1996 against the concerned employee Sri M.V. Anantharaman is not justified.

Point No. 2 :

The next point to be decided in this case is to what relief the concerned employee is entitled ?

21. In view of my finding that the dismissal order passed by the Respondent/Management is not justified, I find the Petitioner is entitled to the relief claimed. In this case, the petitioner claimed reinstatement of the concerned employee with effect from the date of his dismissal with all consequential benefits. But, with regard to back wages, I find the concerned employee is entitled to claim only fifty percent of back wages. No Costs.

(Dictated to the P. A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 29th July, 2005.)

K. JAYARAMAN, Presiding Officer

Witnesses Examined :—

On either side : None

Documents Marked :—

For the Petitioner : Nil

For the Respondent/Management :—

Ex. No.	Date	Description
(1)	(2)	(3)
M1	26-08-91	Xerox copy of the debit transfer voucher.
M2	26-08--91	Xerox copy of the credit transfer voucher.
M3	26-08-91	Xerox copy of the cash withdrawal slip.
M4	26-08-91	Xerox copy of the debit transfer voucher For Rs. 10,000.
M5	26-08-91	Xerox copy of the credit transfer voucher.
M6	26-08-91	Xerox copy of the cash withdrawal slip For Rs. 9900.
M7	Nil	Xerox copy of the S. B. Account No. 2092 of Sri Velusamy.

(1)	(2)	(3)
M8	Nil	Xerox copy of the S. B. Account No. 2644 of Sri G. Radhakrishnan.
M9	13-06-92	Xerox copy of the credit cash voucher for Rs.15,816.
M10	22-06-92	Xerox copy of the credit cash voucher.
M11	09-06-92	Xerox copy of the SFA 58 voucher for Rs. 17,108.
M12	09-06-92	Xerox copy of the credit cash SFA 72 voucher.
M13	11-06-92	Xerox copy of the credit cash for Rs. 14,170,
M14	25-06-92	Xerox copy of the credit cash SFA 46 for Rs. 9,073.
M15	25-06-92	Xerox copy of the credit cash voucher for Rs. 13,448.
M16	01-08-92	Xerox copy of the credit cash SFA 57 voucher.
M17	01-08-92	Extract of receiving counter cash book.
M18	13-06-92	Xerox copy of the Agri Card No. 17/92.
M19	01-08-92	Xerox copy of the Agri Card No. 10/92.
M20	10-08-92	Xerox copy of the Agri Card No. 68/92.
M21	11-06-92	Xerox copy of the Agri Card No. 12/92.
M22	11-06-92	Xerox copy of the Agri Card No. 14/92.
M23	19-06-92	Xerox copy of the Agri Card No. 23/92.
M24	25-06-92	Xerox copy of the debit cash Agri voucher No 22/92.
M25	18-09-90	Extract of receiving counter cash book.
M26	Nil	Xerox copy of the certified copy of ledger account.
M27	19-09-90	Extract of receiving counter cash book.
M28	Nil	Xerox copy of the certified copy of AJL 526/90.
M29	19-09-90	Extract of paying counter cash book.
M30	19-09-90	Extract of cash scroll.
M31	21-09-90	Extract of cash scroll.
M32	21-09-90	Extract of receiving counter cash book.
M33	Nil	Xerox copy of the Agri Card A/c. No. 34/90.
M34	09-10-90	Xerox copy of the paying counter cash book.
M35	30-10-90	Xerox copy of the cash scroll.
M36	12-11-90	Xerox copy of the transfer scroll.
M37	12-11-90	Xerox copy of the RC cash book
M38	18-09-90	Xerox copy of the cash scroll.
M39	25-09-90	Xerox copy of the credit cash Agri 46/85 voucher.
M40	18-09-90	Xerox copy of the credit cash agri 43/85.
M41	19-09-90	Xerox copy of the credit cash AJL 80/83.
M42	19-09-90	Xerox copy of the debit cash AJL 528/90 voucher.
M43	21-09-90	Xerox copy of the credit cash agri 58/85.
M44	14-12-91	Xerox copy of the debit cash agri 54/91 voucher.
M45	14-12-91	Xerox copy of the credit cash SFA 13/87 voucher.
M46	30-10-90	Xerox copy of the credit cash SFA voucher.
M47	31-08-90	Xerox copy of the credit transfer voucher.
M48	18-09-90	Xerox copy of the credit cash Agri No. 27/85 voucher.
M49	21-05-91	Xerox copy of the Debit AJL cash voucher.
M50	21-05-91	Xerox copy of the credit cash AJL No. 390/77.
M51	21-11-90	Xerox copy of the credit cash AJL 19/84 voucher.
M52	21-11-90	Xerox copy of the debit cash AJL 668/90 voucher.
M53	05-08-91	Xerox copy of the credit cash SFA voucher.
M54	19-07-89	Xerox copy of the cash credit SFA No. 16/98.
M55	18-12-90	Xerox copy of the credit cash AJL 350/85.
M56	17-07-91	Xerox copy of the credit cash AJL 72/85.
M57	17-07-91	Xerox copy of the debit cash AJL 275/91.
M58	21-05-91	Xerox copy of the credit cash sundry creditors voucher.
M59	31-08-90	Xerox copy of the debit transfer receivable from Govt. Under DRS voucher.
M60	12-11-90	Xerox copy of the credit cash AJL 153/85.
M61	Nil	Xerox copy of the loan account No. AJL 180/91.
M62	21-05-90	Xerox copy of the cash scroll.

(1)	(2)	(3)
M63	13-03-91	Xerox copy of the cash scroll
M64	20-01-92	Xerox copy of the cash scroll
M65	Nil	Xerox copy of the AJL 201/82 Account
M66	28-10-91	Xerox copy of the receiving counter cash book
M67	28-10-91	Xerox copy of the cash scroll
M68	Nil	Xerox copy of the ledger account SFA 16/88
M69	Nil	Xerox copy of the ledger account No. CL 17/91
M70	05-08-91	Xerox copy of the receiving counter cash book
M71	27-07-91	Xerox copy of the cash scroll
M72	Nil	Xerox copy of the AJL No. 201/93 account
M73	Nil	Xerox copy of the AJL No. 390/77 account
M74	Nil	Xerox copy of the AJL No. 350/85 account
M75	18-12-90	Xerox copy of the cash scroll
M76	18-12-90	Xerox copy of the receiving counter cash book
M77	Nil	Xerox copy of the ledger account No. AJL 72/85 account
M78	Nil	Xerox copy of the ledger account AJL 275/91 account
M79	17-07-91	Xerox copy of the officer's scroll
M80	17-07-91	Xerox copy of the receiving counter cash book
M81	17-07-91	Xerox copy of the paying counter cash book
M82	Nil	Xerox copy of the ledger account No. 458/82
M83	24-04-91	Xerox copy of the receiving counter cash book
M84	20-09-91	Xerox copy of the ledger scroll
M85	Nil	Xerox copy of the statement of account SF 17/88
M86	Nil	Xerox copy of the statement of account AJL 11/88
M87	Nil	Xerox copy of the statement of account AJL 479/82
M88	Nil	Xerox copy of the statement of account AJL 19/84
M89	Nil	Xerox copy of the statement of account AJL 668/90
M90	21-11-90	Xerox copy of the manager's scroll
M91	21-11-90	Xerox copy of the paying counter cash
M92	21-11-90	Xerox copy of the receiving counter cash book
M93	Nil	Xerox copy of the statement of account AJL 152/85
M94	Nil	Xerox copy of the AJL 152/85
M95	13-11-90	Xerox copy of the receiving counter cash book
M96	13-11-90	Xerox copy of the payment counter cash book
M97	Nil	Xerox copy of the statement of crop loan No. 2/91
M98	Nil	Xerox copy of the statement of account of Sri P. Chellappa
M99	Nil	Xerox copy of the ledger folio AJL No. 463/91
M100	Nil	Xerox copy of the enquiry proceedings
M101	30-03-96	Xerox copy of the proceedings of hearing
M102	10-11-92	Xerox copy of the suspension order issued to Sri M. V. Anantharaman
M103	10-05-93	Xerox copy of the Charge Sheet issued to Sri M. V. Anantharaman
M104	01-02-94	Xerox copy of the additional Charge Sheet issued to Sri M. V. Anantharaman
M105	29-01-96	Xerox copy of the Presenting Officer's written brief
M106	11-03-96	Xerox copy of the show cause cum personal notice Enclosing findings of Enquiry Officer
M107	30-03-96	Xerox copy of the original order of punished issued to Sri M. V. Anantharaman
M108	24-04-96	Xerox copy of the appeal preferred by Sri M. V. Anantharaman
M109	27-07-96	Xerox copy of the notice of personal hearing issued by Appellate Authority
M110	19-08-96	Xerox copy of the proceedings of personal hearing before Appellate Authority
M111	19-08-96	Xerox copy of the written submissions made by Sri M. V. Anantharaman before Appellate Authority
M112	17-09-96	Xerox copy of the appellate order
M113	01-10-92	Xerox copy of the investigation report of Sri H.L. Sitaraman Bhat and Sri N. Dhinakaran
M114	02-11-92	Xerox copy of the investigation report with enclosures of Sri H. L. Sitaraman Bhat

नई दिल्ली, 12 अप्रैल, 2006

का. आ. 1746.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इंडियन ओवरसीज बैंक के प्रबन्धतंत्र के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या 99/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10/4/2006 को प्राप्त हुआ था।

[सं. एल-12012/225/1998-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 12th April, 2006

S.O. 1746.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 99/2001) of the Central Govt. Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the Industrial Dispute between the management of Indian Overseas Bank and their workmen, received by the Central Government on 10-04-2006.

[No. L-12012/225/1998-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Friday, the 29th July, 2005

PRESENT :

K. Jayaraman, Presiding Officer

INDUSTRIAL DISPUTE NO. 99/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 49/99)

(In the matter of dispute for adjudication under clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of Indian Overseas Bank, and their workmen)

BETWEEN

The Vice President, All India Overseas Bank Employees Union, Chennai : Ist Party/Claimant

AND

The Chairman-cum-Managing Director Indian Overseas Bank Chennai : II Party/Respondent

APPEARANCE :

For the Claimant : Mr. C.R. Chandrasekaran, Advocate

For the Management: M/s. N.G.R. Prasad, Advocates

AWARD

The Central Government, Ministry of Labour vide Notification Order No. L-12012/225/1998-IR (B-II) dated 17-2-99/09-03-99 has earlier referred this industrial dispute to Tamil Nadu State Industrial Tribunal for adjudication. The Tamil Nadu State Industrial Tribunal has taken the same on its file as I.D. No. 49/99 and after the constitution of this Central Govt. Industrial Tribunal-cum-Labour Court, the said industrial dispute was transferred to this Tribunal and after the receipt of records of this dispute, it was re-numbered as I.D. No. 99/2001 and issued notices to both sides and both sides entered appearance through their advocates and filed their claim statement and counter statement respectively.

2. The schedule mentioned in the order of reference is hereunder :—

> "Whether the dismissal order dated 30-03-1996 issued by the management of Indian Overseas Bank, Chennai against the workman Shri S. Subramanian is justified ? If not, what relief is he entitled to?"

3. The allegations in the amended Claim Statement of the Petitioner Union are briefly as follows :—

The Petitioner Union espouses the cause of Sri S. Subramanian, who was working as a clerk from 19-12-1984 in the Respondent/Bank on permanent basis and he was attached to Nachalur Branch and he was suspended on 10-11-92 stating *inter-alia* that he had committed certain acts of commission and omission which are prejudicial to the interest of the bank. He was served with first charge sheet dated 10-5-93 and subsequently an additional charge sheet dated 1-2-94 was issued. The First charge sheet contains five charges and the additional charge sheet contains also four charges. All the charges in these charge sheets are vague and not precise rendering themselves not amenable for effective defence. All the alleged letters (complaints) were taken from the persons who are alleged to be account holders. But, they were not witnesses at the enquiry to speak about their identity and veracity of the contents of such letters. In respect of the first charge, a cheque for Rs. 12,000 was purchased under DBP No. 207/91 dated 9-9-91 by the branch for Sri G. Radhakrishnan, who was Jewel Loan Appraiser at the branch and proceeds were credited to his S.B. Account No. 2644, but there was no evidence at the enquiry that the workman had anything to do with any of these two transactions much less for the purpose of misappropriation of a sum of Rs. 8000. With regard to charge No. 3, annexure attached to charge sheet does not contain any vital details such as CL account Nos., suit filed account number, the dates when the suit filed accounts were sanctioned and date of their closures or date of granting of loans for the purpose of closure of suit filed accounts. With regard to charge No. 2, there was no witness at the enquiry to speak in favour of the charge alleging that the workman and Manager misappropriated a sum of Rs. 51,479. As regard charge No. 5 one Mr. Varadarajan nor Mr. L. Muruganandam was a witness

to the enquiry. There was no evidence in the enquiry to establish that from the proceeds of Rs. 10,000 the jewel loan account No. 135/91 of Sri Subramanian was closed. Further, the CBI inspector could not say anything against the workman in regard to these two chargesheets. Further, he has had no case for prosecution against the workman and he has left it to the management of the bank to examine whether they should employ provision of disciplinary action against the workman. In regard to charges 1 and 2 in the Annexure A & B to chargesheet, the charges are patently vague and of conclusion arrived at are totally perverse. Again, there is no document to establish these charges. With regard to Charge No. 3 of the additional chargesheet, Mr. A. Govindaraj, the complainant was not a witness during the enquiry to speak that he paid a sum of Rs. 15,513 on the basis of Sri M.V. Anantharaman's advise to him. Charge No. 4 in the additional charge sheet is a repetition of one of the accounts in first charge sheet. All these transactions relate to decisions made by the then Manager and conveyed to workman for their execution which the workman carried out. Under such circumstances, it cannot be held as connivance or collusion with the Manager. Further, all these instances relate invariably to 1985 and 1986 whereas all these complaints have been taken in October, 1992 or thereabout. Further, the alleged complaint letters were given in September/October, 1992 and this itself shows that the management conspired to punish the workman for no fault of his. Therefore, the enquiry was not fairly conducted nor was it free of bias against the workman. It is clear that the Presenting Officer and the Enquiry Officer have behind the back of workman connived with each other against the workman to hold him guilty of the charges. They have reduced the enquiry to a mere empty formality and farce. Further, one other circumstance, which proves that enquiry is a farce one, is that on the very date, i.e. when the concerned employee has submitted his reply to the second show cause notice, the Disciplinary Authority passed the order dismissing the workman concerned from service. It is clearly proved that the Disciplinary Authority has predetermined the issue. It is not specifically stated as to how much amount was loss on account of the alleged misappropriation made by the workman and the appellate order was passed without any application of mind. The CBI witness has admitted by implication that he did not make any independent investigation but relied on Mrs. Sitram Bhat's inspection reports. All the alleged complainants in respect of all the charges in both chargesheets were not brought to the enquiry to speak about their complaints especially all of them are proven, wilful and chronic defaulters to establish the credence of their complaints. Almost all the documents are photocopies of the alleged originals and many of them have not been furnished to the workman either at the enquiry proceedings or any other time. Hence, the Disciplinary Authority relying on them for his conclusion and the resultant imposition of punishment are perverse and against the principles of natural justice. Further, the Disciplinary Authority has perversely concluded in his findings that the borrowers of ARDRs benefits did not receive intimation from the branch sent by ordinary post. The evidence of MW-1 cannot be deserved to be relied upon and therefore, it is non-existent. There is no order from the Disciplinary Authority for change of Enquiry Officer which is irregular and not proper. Further, the Enquiry Officer relied on the writings on the back side of the vouchers. Any mention of adjustments on the reverse of any voucher cannot acquire any meaning unless the person involved has to say some thing about them and the workman concerned had an opportunity to rebut them and that too was within a reasonable time. But, in this case the eqniry was conducted after a long lapse of time and no opportunity was given to the delinquent employee. In view of the above reasons, the order of dismissal dated 30-3-96 issued by the Respondent/Bank management against the concerned employee is not justified. Hence, the Petitioner Union prays that an award may be passed for reinstatement and consequential benefits as prayed for.

4. As against this the Respondent in its Counter Statement alleged that the concerned employee while working as clerk/shroff at Nachalur branch of the Respondent/Bank, the Petitioner dishonestly and fraudulently withdraw from S.B. Account of one Mr. Radhakrishnan and also misappropriated a sum of Rs. 1,10,000 in collusion with Mr. L. Muruganandam, Manager of the branch. Further a sum of Rs. 51,479 remitted by the borrowers towards their dues under suit filed account was also misappropriated by Mr. Subramanian in collusion with the Branch Manager. Mr. Subramanian also has got four loans granted by the Manager to accommodate four borrowers and he also exercised pressure on Branch Manager and got jewel loan sanctioned in his name. He also got sanctioned another AJL No. 638/90 knowing fully well that he was not eligible for the same. Mr. Subramanian had also fraudulently and dishonestly availed of bill purchase facility (DBP) in the name of one Mr. Varadarjan. The claimant also misappropriated a sum of Rs. 11,388 and other sum of Rs. 10,000 from out of agricultural debt relief scheme instead of giving the benefit to the respective borrowers. Further a sum of Rs. 2782 was misappropriated by him in respect of crop loan No. 2/91 of one Mr. A. Govindarajan and another sum of Rs. 3908 from out of crop loan No. 101/86 of Mrs. P. Jayanathi. As all these facts amounted to gross misconduct in terms of para 17.5(d) and 17.5(j) of Bipartite Settlement between the Respondent/Bank and its workmen, the Disciplinary Authority issued charge sheet dated 10-5-93 to the Petitioner and also an additional charge sheet dated 1-2-1994 and an enquiry was held into both the chargesheets and in the enquiry all the charges were held as proved. Hence, the Disciplinary Authority by an order dated 30-3-96 dismissed the Petitioner from service and the appeal preferred by the Petitioner to Appellate Authority was also dismissed on 17-9-96. The Petitioner was given every opportunity to disprove the charges by examining witnesses and produced documents in his favour. But, the concerned employee having chosen not to examine any

witness on his behalf and therefore, he cannot take advantage of the same to his benefits. It is false to allege that the charge sheets were issued with ulterior motive. The charges were proved by the documentary and oral evidences and hence, there is no need for examining the complainants as witnesses who are account holders. There was ample, sufficient, vital and legal evidence in the enquiry to establish the charges against the concerned employee and the concerned employee has not brought any evidence to disprove the charges. The findings arrived at by the Enquiry Officer were based on clinching oral and documentary evidence. Further, it is established in the enquiry that Mr. G. Radhakrishnan has only lent his name in respect of purchase of cheques. It is also proved by documentary evidence that the concerned employee has misappropriated the amount of Rs. 1,10,000 along with the Manager and other staff for the benefit of them or persons known to them and the above charge was fully proved. Further, it is also proved that a sum of Rs. 43,502 remitted by the borrowers towards their dues under suit filed accounts had been misappropriated by the concerned employee and the Manager. It is denied that the complainants were being pressurised to give complaints against the concerned employee. The cheque for Rs. 10,000 was purchased by the branch on 18-2-92 on account of Sri Varadarajan and sum of Rs. 8238 was withdrawn and the same was utilised to close the jewel loan of the concerned employee. The case of the Respondent/Management is that the concerned employee, Sri V. Arunachalam and Sri Muruganandam in connivance committed the above misconduct. The decision of CBI not to initiate the criminal proceedings will not be bar for conducting domestic enquiry proceedings. Mere non-prosecution of the Petitioner and others by CBI does not itself exonerate them from misconduct committed by them. Since the concerned employee has misappropriated substantial sum of money from the bank and therefore, the bank had to issue chargesheets to the concerned employee. Further, the concerned employee has misappropriated a sum of Rs. 11,388 in collusion with Mr. M.V. Anantharaman, cashier and L. Murugananam, Manager and this charge was proved by oral and documentary evidence in the enquiry. With regard to non-examination of complainants is not tenable because their letters were marked as management exhibits through the persons who had received and the involvement of the concerned employee is fully proved in the domestic enquiry. No doubt, the charge No. 4 is a repetition and the Enquiry Officer himself has held that it is a repetition of earlier charge and not discussed the same and held that it is already proved in the eariler chargesheet dated 10-5-93. As such, no prejudice would be caused to the concerned employee. The appellate order is a speaking order and in each charge the loss caused to the bank is specifically mentioned and at last, it is generally observed as substantial loss to justify the punishment of dismissal. It is false to allege that the Enquiry Officer and Presenting Officer acted jointly against the concerned employee. The concerned employee has not raised any objection to the annexure to the findings at the time of show cause notice issued to him. Further, he has not stated what prejudice has caused to him by the enclosure to the findings. No doubt, it is true that some of the documents were marked as Xerox copies. But the concerned employee has not objected to the same for marking as management exhibits at the time of enquiry and therefore, he cannot now question the validity of evidence at this stage. Further, all the documents were perused by the concerned employee and the same were marked as exhibits. It was not disputed while marking the said documents as management exhibits. Mr. D. Balasubramanian was appointed as Enquiry Officer purely on administrative reasons. It is also clear that the concerned employee has participated and co-operated in the enquiry proceedings till the appellate order was passed. As such, he cannot question the validity of the enquiry proceedings at this stage. Hence, for all these reasons, the Respondent prays that the claim may be dismissed with costs.

5. In such circumstances, the points for my consideration are :—

(i) "Whether the dismissal order dated 30-3-96 issued by the Respondent/Management against the concerned employee Sri S. Subramanian is justified?"

(ii) "To what relief, is he entitled?"

Point No. 1 :

6. The admitted facts of in this case are that the Petitioner Sri S. Subramanian was employed as a clerk in Nachallur branch of the Respondent/Bank. When the incident took place and at that time one Mr. L. Muruganandam was the Manager and concerned employee in I.D. No. 91/2001 one Mr. V. Arunachalam and the concerned employee in I.D. No. 100/2001 one Mr. M.V. Anantharaman were employed as clerks and they were exchanging duties as clerk and cashiers. It is also admitted that two chargesheets were issued to the concerned employee. The first chargesheet dated 10-5-93 which contains five charges and 2nd charge sheet dated 1-2-94 which contains four charges in which a departmental enquiry was held and the Petitioner was dismissed on 30-3-96. Out of the five charges on the 1st chargesheet dated 10-5-93 issued to the concerned employee in this dispute. charge No. 1 has been stated as not proved.

7. On behalf of the petitioner, it is contended that the two chargesheets are vague and not precise and no witnesses (complainants) were examined to speak about their complaints alleged to have been given by them and therefore, the complaints given by the alleged account holders cannot be treated as evidence at the enquiry and there is no proof of collusion between the concerned employee and the Manager Sri L. Muruganandam. Further, on the side of the management, no attempt was made at the enquiry to prove the collusion. The alleged nexus between the Manager and other Clerks to misappropriate the amount has not been proved. Further, there was no evidence at the

enquiry that the workman can do anything with any transaction much less misappropriation of the alleged funds of Rs. 51,479/- or other sums. Further, no original document was produced before the enquiry or before the Tribunal to prove that the concerned employee having misappropriated any sum in collusion with the Manager Mr. L. Muruganandam and it is also not established by the Management with regard to the charge of misappropriation. It is also alleged by the Petitioner that CBI Inspector could not say anthing against the workman in regard to the charges namely collusion, connivance and other frauds. It is also not proved that account holders have remitted more than the amounts mentioned in vouchers especially with regard to ARDRs and therefore, the finding that the charges have been proved except charge No.1 is baseless and without any proof and therefore, the finding of the Enquiry Officer and the order of Appellate Authority are perverse and only passed to victimize the concerned employee.

8. As against this, on behalf of the Respondent it is contended that the Manager of Nachallur branch was dismissed on 30-4-96 from service after departmental enquiry in respect of certain charges in which the concerned employees also involved. The said Mr. L. Muruganandam challenged the order of dismissal before the High Court in W.P. No. 17447/96, which was dismissed by High Court on 8-1-2002 on merits and some of the objections made by the concerned employee in this industrial dispute were also taken by the said Mr. L. Muruganandam and it was considered by the High Court and held against the said Manager Mr. L. Muruganandam. In this background, this industrial dispute has to be considered. Further, prior to charge sheeting of the concerned employee, there was a thorough investigation conducted by Mr. H.L. Sitaram Bhat and Mr. N. Dhinakaran, they have also submitted a detailed investigation report along with complaints, vouchers, demand promissory notes as annexures. The said investigation officers were examined in the domestic enquiry and the inspection report was also marked in the enquiry proceedings. Though the charge No. 1 of the first charge sheet has been held as not proved with regard to other charges, it has been clearly established that the guilt against the concerned employee has been proved. One of the charges relates to misusing of DBP facility. The charge is that a cheque for Rs. 12,000 was purchased by the Nachallur branch under DBP No. 207/91 dated 9-9-91 on behalf of one Sri G. Radhakrishnan, who was Jewel loan Appraiser of the same branch but on the same day i.e. on 9-9-91 the amount of Rs. 11,957 was credited to S.B. account No. 2644 of Mr. Radhakrishnan after commission. But the said Sri Radhakrishnan by his letter denied that he ever availed any DBP facility and on investigation, the investigating officers came to the conclusion that DBP facility was not availed by the said Mr. Radhakrishanan and it was misused by the branch in in the name of Mr. Radhakrishanan and the said Mr. Radhakrishnan had acted only as a name lender. Further, it shows that the above DBP facility was realised based on cash payment only on 26-11-91 and not based on realisation of cheque which was purchased by the branch. Further, on the reverse of the credit cash voucher, the one another employee namely Mr. V. Arunachalam has recorded the adjustment of agricultural loan No. 53/91 for Rs. 8000, The said agricultural loan No. 53/91 pertains to second stage loan amount of Rs. 8000 of Mrs. M Palaniammal which was released on the same day i.e. 26-11-91. The debit cash agricultural advance voucher No. 53/91 was signed by the concerned employee namely Mr. Arunachalam. At that time, the concerned employee was the cashier disbursing the cash. Further, there was no denomination in the back side of the debit cash agricultural voucher. Thus, it clearly shows that there was no cash disbursement to Mrs. Palaniammal by concerned employee, but the same was adjusted to DBP facility enjoyed in the name of Sri G. Radhakrishanan, in collusion with the Manager. Further, the Manager who was the person who granted DBP facility to Sri Radhakrishnan was not a trader but only a jewel appraiser. These incidents shows that the Manager alone is not responsible for all these misdeeds and the concerned employee and also other employees of the bank were in collusion with the said Manager. Therefore, the Enquiry Officer has held that it was proved by substantial evidence.

9. But, as against this argument, learned counsel for the Petitioner argued that though it is alleged that Writ Petition filed by the Manager Mr. L. Muruganandam was dismissed, it bears no relationship with the charges levelled against the concerned employee. Further, the Writ Petition was under Article 226. The admitted allegations were listed in para 11 of the judgement, basing on which the Writ Petition was dismissed and none of them relates to the concerned employee. With regard to 2nd charge, the Enquiry Officer relied on the xerox copy of the purported complaint of Mr. G. Radhakrishanan and the said Mr. Radhakrishanan was not examined in the domestic enquiry. The Manager to whom it has stated to have been addressed was also not examined before the domestic enquiry. The alleged original complaint of this person was not admittedly in evidence. Further, even in the xerox copy of the complaint, the said Sri Radhakrishanan has not alleged against the concerned employee. It is established that Mrs. Palaniammal received the proceeds under the debit cash agricultural voucher No. 53/91 in cash signed on its reverse stamped receipt. ME20 which is marked in the enquiry namely credit cash challan signed by Mr. G. Radhakrishanan, is to prove that he having remitted it. Though there is no mention about the denomination, such marking of denomination is in any event, for the purpose of cashier's convenience for tallying the cash for the day and nothing can be taken against the concerned employee. Above all, these vouchers have been authenticated by the branch officials but no collusion was established with regard to these vouchers. Further, there is no clear evidence to show that Sri. G. Radhakrishanan was name lender and except the allegations in the letter which was also not established in the enquiry. Though the Respondent alleged that DBP facility is meant only for traders, no document

was produced before the enquiry that it is only for the traders and not to others. Further, a perusal of DBP register would reveal that most of them were given to staff and other customers who are not traders, under such circumstances, the allegation made by the Respondent/ Management that the branch has misused the DBP facility is without any substance. Therefore, under such circumstances, it cannot be said that the charge No.2 has been proved against the concerned employee. Learned counsel for the Petitioner further relied on the rulings reported in 1964 STJ 98 MEENGLASS TEA ESTATE Vs. WORKMEN wherein it is held that *"it is an elementary principle that a person who is required to answer a charge must know not only the accusation but also the testimony by which the accusation is supported. He must be given a fair chance to hear the evidence in support of the charge and to put such relevant questions by way of cross examination as he desires. Then he must be given a chance to rebut the evidence led against him. This is the bearest requirement of enquiry of this character and this requirement must be substantially fulfilled before the result of enquiry can be accepted. A departure from this requirement in effect throws the burden upon the person charged to repel the charge without first making it out against him."* The next decision relied on by the learned counsel is AIR 1959 SC 1111 PHULBARI TEA ESTATE Vs. WORKMEN wherein Three Members Bench of the Supreme Court have held *"rules of natural justice require that a party should have the opportunity of adducing all relevant evidence on which he relies that the evidence of opponent should be taken in his presence and that he should be given the opportunity of cross examining the witnesses examined by that party and that no materials should be relied on against him without his being given an opportunity of explaining them."* The next decision relied on by the counsel for the Petitioner is 1967 II LLJ 149 MANDANNA (A.M.) Vs. DIRECTOR OF MEDICAL SERVICES wherein the Division Bench of High Court of Mysore has held that *"the enquiry authority cannot merely rely on earlier statements of witnesses in support of his conclusions when those witnesses did not appear before the enquiry authourity, nor did they admit the correctness of these statements. So their statements did not form part of the record on which dependence could be placed in support of the charges."* He further relied on the decision reported in 1978 II LLJ 437 INDIAN AIRLINES AND OTHERS Vs. W.B. CORREYA wherein the Division Bench of Madras High Court has held that *"it has always been recognised that cross examination is the most effective and efficacious test which law has devised for the discovery of truth. Consequently any impairment of this right, whether deliberately or accidentally will have the effect of preventing a person who cross examine from establishing the truth. Equally, it is well settled that if a witness has made a contemporaneous record of what he has seen or heard the same can be used for refreshing his memory in the course of his giving evidence. But, certainly a statement made by him at the stage of a preliminary enquiry cannot be said to be a record made by him of what has happened in the present case in contrary to the well established principles that have to regulate proceedings before any judicial authority and even in a domestic enquiry."* Relying on all these decisions, learned counsel for the Petitioner argued that though MW1 and MW2 have deposed before the enquiry that they have taken the statements of complainants, the said persons were not examined before the domestic enquiry and further, one of the witnesses namely Mr. Seetharam Bhat does not know Tamil and he has not given any evidence to show how he has perused all these things which were in Tamil. Under such circumstances, by producing complaints given by the accountholders, the Enquiry Officer cannot come to a conclusion that the charges framed against the concerned employee has been proved. Further, the counsel for the Petitioner contended that in this case MW1 and MW2 alleged to be investigating officers. MW3 is the CBI Inspector, but none of them have deposed with regard to any collusion or misappropriation by the concerned employee, there is no evidence in the enquiry about the original statements. Though at the time of enquiry, it was stated that original statements were under the custody of CBI and there was not even an iota of evidence to prove that these original statements were with the CBI. Further, even the available statements admitted by the concerned employee were also not produced before the domestic enquiry. Even the CBI Inspector who was exclaimed as MW3 has also not deposed that originals are with the CBI. MW2 who has initially conducted investigation, further stated that he has assisted the other investigation officer namely MW1, but MW1 stated that the CBI conducted full inspection on 8-10-92 between 11.30 am to 2.30 pm which proves that within a short period of three hours, they have obtained the statements of account holders in different places which is unbelievable. Further, the statements are dated post his inspection. Even in his investigation report MW1 has not clearly stated that the concerned employee with the collusion of others have made this fraud. But before the enquiry, how he has come to the conclusion that these frauds of misappropriation were done by the concerned employee in collusion with the Manager. He cannot improve and could not have improved on what he has stated in his report. Further, the CBI Inspector namely MW3 has not recommended for any disciplinary proceedings against the concerned employee. Under such circumstances, based on the investigation officer's (MW1) oral evidence, it cannot be held that the charges framed against the concerned employee have been proved. Above all, in this case, the concerned employee is only a clerk and he has no authority to grant or deal with advance and he has carried out the instructions of his superior officers which is evident from the passing/authentication of documents and further at that time Mr. L. Muruganandam was the Manager and Mr. Narayanan was the Accountant and Mr. Venkata Subbu was the SCA at the branch. Though the Respondent/Bank has taken action against Mr. Muruganandam, they have not given any reason for not taking any action against

Mr. Narayanan or Mr. Venkata Subbu. Further, except one or two, no statement says that the concerned employee has misappropriated the amounts. Under such circumstances, only relying on the alleged complaints made by the account holders, who were not examined before the domestic enquiry and only basing on the vague allegations, it cannot be said that the charges have been proved against the concerned employee. Further, the statements were given behind the back of the concerned employee and the persons who have given statements were not cross examined by the concerned employee before the domestic enquiry. Under such circumstances, the statements given by the account holders cannot be taken as God spell truth and the Enquiry Officer cannot come to a conclusion that by some mere statements, the allegations against the concerned employee have been proved. Under such circumstances, no reliance can be placed on the alleged statements given by the account holders.

10. I find much force in the contention of the learned counsel for the Petitioner because though the Supreme Court has held in 2000 (4) LLN 598 STATE BANK OF INDIA Vs. TARUN KUMAR BANERJEE that *"non-examination of complainants, non-production of money, non-production of so called confessional statements and non-production of any evidence, which may have been available, but as far as the evidence tendered by two witnesses are concerned who actually saw the incident having taken place in the manner referred to earlier, the charge of misconduct against the 1st Respondent stood proved to guilt and we failed to appreciate as to how the Tribunal could have taken any other view and a customer of the bank need not be involved in domestic enquiry conducted. As such, a course would not be conducive do proper banker customer relationship and therefore, would not be in the interest of the bank"*, in this case, there is no clear allegation against the concerned employee and there is no clear evidence by the persons examined in the enquiry that the concerned employee has been committed the alleged misconducts mentioned in the chargesheet. Under such circumstances, I cannot come to a conclusion that non-examination of complainants will not be fatal to the case of the Respondent. In this case, the persons who had examined in domestic enquiry were not eye witnesses for the allegations made in the chargesheet and they have alleged to have come to a conclusion from the complaints alleged to have been made by the accountholders. Under such circumstances, the accountholders must have been examined in the enquiry to prove the charges against the concerned employee. But, the complainants namely accountholders have not been examined to substantiate the charges framed against the concerned employee. Therefore, I find the charge framed against the concerned employee has not been proved with any satisfactory evidence.

11. With regard to other charge, which relates to availing of agricultural loan and jewel loan, it is argued on behalf of the Respondent that concerned employee has availed jewel loan for more than Rs. 31,850/- and it is evident that the Branch Manager has power to grant loan to the staff only to the tune of Rs. 12,000/- whereas the concerned employee has got Rs. 31,850/- sanctioned in his name. Thus, it is clearly proved that the concerned employee has exercised pressure on the Branch Manager to obtain more loan amount than the eligibility. It is further argued that the concerned employee has availed agricultural jewel loan at a concessional rate of interest for which staff member of the Respondent/Bank is not entitled to avail. It is further argued on behalf of the Respondent that for the same offence, the Manager Mr. L. Muruganandam was also charge sheeted and also found guilty which the High Court has also upheld the same.

12. But, here again, the learned counsel for the Petitioner contended that the discretionary power of Manager, on which the reliance was placed was not in evidence before the enquiry proceedings. Even assuming for argument sake that the concerned employee has availed jewel loan and agricultural jewel loan, the same was for over a period of two years and on the date of enquiry, there was no due in the said loan. Further, there is no evidence as to why the concerned employee exerting pressure on the Manager. Neither the Manager not any witness was examined to substantiate the alleged pressure exerted by the concerned employee. Further, there is no documentary proof that agricultural jewel loan cannot be availed by the staff and the rate of interest charged on the jewel loan for the staff is less that the rate of interest charged for agricultural jewel loan. Under such circumstances, it cannot be said that the charge against the concerned employee was proved.

13. I find much force in the contention of the learned counsel for the Petitioner because no substantial evidence was produced before the enquiry that the concerned employee has exerted pressure on the Manager, the Enquiry Officer cannot hold on presumption and because of that the concerned employee has availed more than Rs. 31,850/- as jewel loan and agricultural jewel loan. As such, I find this charge was also not proved.

14. The next charge against the concerned employee is that closure of suit filed accounts. The learned counsel for the Respondent contended that there is clinching evidence to support the said charge that the Branch Manager Mr. L. Muruganandam sanctioned fresh loan/ receiving higher amounts and difference amount was misappropriated by the concerned employee with collusion of Manager and other employees. He again relied on the statements given by borrowers in the presence of investigation officers and argued that it clearly proves that the concerned employee in collusion with the other clerks namely Sri M.V. Anantharaman and Sri Arunachalam has misappropriated the borrowers money.

15. With regard to this, learned counsel for the Petitioner contended that here again, there is no evidence except the alleged statements given by borrowers in the

presence of the investigating officer. As he has already argued that MW1 who does not know Tamil has not stated how he has testified the statements given by the borrowers. The originals of the statements were not produced before domestic enquiry. When it is alleged that suit filed accounts were paid by the respective borrowers in cash, it was not contradicted with any clinching evidence that it was not done so. Under such circumstances, the alleged misappropriation by the concerned employee in collusion with the Manager cannot be said to be proved against the concerned employee.

16. Here again, though the Respondent/Bank relied on the Xerox copies of suit filed accounts, all the allegations made by the account holders had not been testified before the enquiry. Neither the investigating officer nor the Enquiry Officer can presume or assume things from the statements of account holders. The account holders though alleged to have been given statements which were behind the back of the concerned employee and under such circumstances, the said account holders must be examined before the enquiry to substantiate their claim. But, I find the Enquiry Officer presumed certain misdeeds alleged to have been done by the concerned employee and had come to a wrong conclusion, which, I think, is not proper on the part of the Enquiry Officer.

17. The next charge against the concerned employee is that the concerned employee in collusion with the Manager Sri L. Muruganandam and Sri Arunachalam purchased a cheque for Rs. 10,000 on 18-2-1992 on account of one Mr. Varadharajan and from that account a sum of Rs. 8238 was withdrawn and the sum was utilized to close the jewel loan account No. 135/91 of the concerned employee. Further, on 4-5-1992 another jewel loan for Rs. 10,000 was sanctioned to concerned employee and the amount was utilised to recover the amount due under DBP purchased on 18-2-1992.

18. For this, learned counsel for the Petitioner contended that no complaint was made by Mr. Varadharajan or any other person. No doubt, DBP is a transfer entry and Mr. Varadharajan withdrew from S.B. Account No. 2115 a sum of Rs.10,000 by cash and the bank cannot complaint that the amount has been taken by the concerned employee with the collusion of the Manager and Mr. Arunachalam and utilised the same for discharging the jewel loan of Mr. Subramaniam. Further, even assuming for argument sake that Mr. Varadharajan has given the amount to discharge the jewel loan, the Respondent/Bank cannot question the customer's action to make use of proceeds with regard to DBP and the allegation made by the Respondent/Bank is only on presumption or assumption.

19. But, again, learned counsel for the Respondent contended that the management document ME 25 shows that Rs. 9970 was credited to the account of Mr. Varadharajan after deducting commission of Rs. 27/-. Document No. ME 26 is copy of withdrawal slip of Mr. Varadharajan and it was signed by Mr. Varadharajan on 18-2-1992 namely on the same day. On the back side of the said document, the concerned employee has written the denomination, which shows the jewel loan account No. 135/91 which belongs to concerned employee. From this it is clear that concerned employee has not paid Rs. 8238 to Mr. Varadharajan and the DBP facility was only availed in the name of Mr. Varadharajan to close the jewel loan of Sri S. Subramaniam. It is also clear that the jewel loan was closed by Sri S. Subramaniam on 18-2-1992 itself and on the reverse of the credit voucher, Mr. Subramanian mentioned the S.B. Account No. 2115 which belongs to Mr. Varadharajan. Further, from the management Ex.28 it is clear that Mr. S. Subramaniam, clerk has availed another jewel loan No. 11/92 on 4-5-1992 and on the back side of the debit voucher, no denomination was mentioned by concerned employee and in credit voucher ME 29 no denomination was mentioned. From this, it is clear that jewel loan was availed to recover the DBP dated 18-2-1992.

20. Though the Respondent alleged that DBP amount has been utilised for discharge of jewel loan of the Clerk Mr. Subramaniam, it is not established by any evidence that the concerned employee was in collusion with the Manager made these things. Further, Mr. Varadharajan was not examined to substantiate this claim. From what source the Respondent/Bank has come to such conclusion that jewel loan of Mr. Subramaniam was discharged by DBP facility, and though some of the marking on the reverse side of the credit voucher and also debit voucher, we cannot presume or assume things from the marking in the vouchers. Under such circumstances, I find much force in the contention of the learned counsel for the Petitioner that only on presumption and assumption and also surmises, the Respondent/Bank has come to the conclusion that the co-employees in collusion with the Manager has utilised DBP facility to discharge the jewel loan of Sri S. Subramaniam.

21. The next charge on the concerned employee is that on the implementation of Agricultural Rural Debt Relief Scheme (ARDRS) loan accounts of the borrowers were credited with relief amount, but not informed to the borrowers and when the borrowers were called on the branch to close the accounts, the concerned employee deliberately concealed the amount of ARDRS credited and advised them to remit more than the actual amount due and the excess amount so remitted by them was misappropriated by the Cashier with the collusion of others and they relied on the complaint letters of Sri P.N. Ramasamy, Sri M. Ramaiah and Sri Abdul Latiff given to the investigation officers and the Respondent/Bank alleged that Agri jewel ledger Account No. 201/87 of Mr. N. Ramaiah was done by the concerned employee and the credit cash voucher AJL 377/91 dated 21-5-1991 for Rs. 385 pertaining to Mr. Ramasamy were prepared by the concerned employee. Similarly, the credit cash voucher pertaining to Mr. Abdul Latiff was prepared by the concerned employee which will

prove that the concerned employee is involved in the misappropriation with collusion of others. Similarly complaint letters of P. Pitchai, P. Suriyan, N.N. Nagarrajan and Idumban will clearly show that the complainants have paid more money than the loan outstanding and they were misappropriated by the concerned employee with the collusion of Mr. M.V. Anantharaman and others and further the concerned employee also misappropriated the money of customers namely Mr. Ramasamy Reddiar, Kanagambal, Thandavan, Veeramalai and it is clear that they have not received the ARDRS amount and Mr. V. Arunachalam was the cashier on those days and from the investigation report, it is clearly established the *modus operandi* adopted by the concerned employee in collusion with other employees in misappropriating the ARDRS amount.

22. As against this, learned counsel for the Petitioner contended that out of the charges, some of them relate to loan accounts remaining outstanding as on 31-8-90 and the other charge relates to payment of relief amounts to borrowers who closed their loan accounts earlier to 31-8-1990. With regard to all these complaints, there is no evidence to support that excess amount has been paid which was alleged to have been misappropriated. Except the bad allegation in the complaints, there is no substantial evidence to prove this allegation. Further, these statements are in Tamil and it cannot be said that MW1 who do not know Tamil, how he has come to a conclusion from these Tamil statements that the concerned employee has misappropriated the said amount. When there is no proof that borrowers had paid more than the amount what they were liable, either the investigation officer or the Enquiry Officer cannot hold that they have paid more than what they were liable to pay from the mere allegations made in the statement that too behind the back of the concerned employee. In such circumstances, without proving the statements made by the concerned borrowers are true and without proving the allegations made against the concerned employee, the Enquiry Officer cannot come to a conclusion that the charges framed against the concerned employee in this regard were proved by the investigating officers.

23. Then, again the learned counsel for the Respondent contended that the Supreme Court has held in 1991 I LLN 979 that *'non-supply of original documents will not vitiate the enquiry'* and in this case the Petitioner never had any grievance for marking Xerox copies of documents during the enquiry proceedings. Further, the honesty and integrity of the concerned employee is seriously in question and, therefore, in any event, resinstatement can never be granted and the Respondent/ Bank has lost confidence in the concerned employee and the job in a bank dealing with money requires persons of trust and confidence. Since the Respondent/Bank has lost confidence in the concerned employee, no order of reinstatement can be ordered by this Tribunal. Further, the counsel for the Respondent relief on the rulings reported in 1970 2 LLJ 56 BURN & CO. LTD. Vs. ITS WORKMAN AND ANOTHER wherein the Supreme Court has held that *"Labour Court had jurisdiction to see whether the board of enquiry had observed the rules of natural justice and conducted the enquiry in a manner to which no exception could be taken. If these conditions were fulfilled and if the standing order of the company entitled the board to pass an order of removal from service in case of major misdemeanour, it was not within the jurisdiction of the Labour Court to order resinstatement of the workman.* The Supreme Court further held that *"it is not for the Labour Court to sit in appeal over the board of enquiry with regard to second charge and even if the second charge has not been proved, then the order of dismissal was good on the basis of first charge" and when the enquiry did not affect any principles of natural justice, the Labour Court fell into an error in exercising its appellate power by coming to a different conclusion."* Relying on these decisions, learned counsel for the Respondent contended that out of the ten charges, even one item of misappropriation is sufficient for warranting dismissal of the concerned employee from service because of his fiduciary capacity and, therefore, when the bank has lost confidence over the concerned employee, no reinstatement can be ordered by this Tribunal.

24. Though I find some force in the contention of the learned counsel for the Respondent in this case, from the materials produced before this Tribunal and on the arguments heard on both sides, I find no charge against the concerned employee was proved by any substantial evidence and the Enquiry Officer has come to the conclusion only on the presumption. Under such circumstances, I find the dismissal order passed by the Respondent/Management dated 30-3-1996 against the concerned employee Sri S. Subramaniam is not justified.

Point No. 2 :

The next point to be decided in this case is to what relief the concerned employee is entitled?

25. In view of my finding that the dismissal order passed by the Respondent/Management is not justified, I find the Petitioner is entitled to the relief claimed. In this case, the Petitioner claimed reinstatement of the concerned employee with effect from the date of his dismissal with all consequential benefits. But, with regard to back wages, I find the concerned employee is entitled to claim only fifty per cent of back wages. No costs.

(Dictated to the the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 29th July, 2005.)

K. JAYARAMAN, Presiding Officer

Witnesses Examined :—
On either side : None

Documents marked :—
On either side : None

नई दिल्ली, 12 अप्रैल, 2006

का. आ. 1747—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन ओवरसीज बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (संदर्भ संख्या 91/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 10-4-2006 को प्राप्त हुआ था।

[सं. एल-12012/222/1998-आईआर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 12th April, 2006

S.O. 1747.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 91/2001 of the Central Govt. Indus. Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the industrial dispute between the management of Indian Overseas Bank, and their workmen, received by the Central Government on 10-04-2006.

[No. L-12012/222/1998-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Friday, the 29th July, 2005

PRESENT : Shri K. Jayaraman, Presiding Officer.

INDUSTRIAL DISPUTE NO. 91/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 46/99)

[In the matter of the dispute for adjudication under clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Indian Overseas Bank and their workmen.]

BETWEEN

The Vice President, All India Overseas Bank Employees Union, Chennai : Ist Party/Claimant

AND

The Chairman-cum-Managing Director, Indian Overseas Bank, Chennai : IIst Party/Respondent

APPEARANCE :

For the Claimant : Mr. C. R. Chandrasekaran, Advocate

For the Management : Ms. N.G.R. Prasad, Advocates

AWARD

The Central Government, Ministry of Labour *vide* Notification Order No. L-12012/222/98-IR(B-II) dated 22-02-99/09-03-99 has earlier referred this industrial dispute to Tamil Nadu State Industrial Tribunal for adjudication. The Tamil Nadu State Industrial Tribunal has taken the same on its file as I. D. No. 46/99 and after the Constitution of this Central Govt. Industrial Tribunal-cum-Labour Court, the said Industrial dispute was transferred to this Tribunal and after the receipt of records of this dispute, it was re-numbered as I.D. No. 91/2001 and issued notices to both sides and both sides entered appearance through their advocates and filed their claim statement and counter statement respectively.

2. The Schedule mentioned in the order of reference is hereunder :—

> " Whether the dismissal order dated 30-03-1996 issued by the management of Indian Overseas Bank, Chennai against the workman Shri V. Arunachalam is justified ? If not, what relief is he entitled to ?

3. The allegations in the amended Claim Statement of the Petitioner Union are briefly as follows :—

The Petitioner Union espouses the cause of Sri V. Arunachalam, who was a workman appointed as a clerk on 12-8-1983 in the Respondent/Bank on permanent basis and he was attached to Nachalur Branch and he was suspended on 10-11-1992 stating inter alia that he had committed certain acts of commission and omission which are prejudicial to the interest of the bank. He was served with first charge sheet dated 10-5-1993 and subsequently an additional charge sheet dated 1-2-1994 was issued. The first chargesheet contains five charges and the additional chargesheet contains four charges. All the charges in these chargesheets are vague and not precise rendering themselves not amenable for effective defence. All the alleged letters (complaints were taken from the persons who are alleged to be accountholders). But, they were not witnesses at the enquiry to speak about their identity and veracity of the contents of such letters. Even the Enquiry Officer has held that the first charge against the concerned employee has not been proved and in respect of charge No. 2, a cheque for Rs. 12,000 was purchased under DBP No. 207/91 dated 9-9-1991 by the branch for Sri G. Radhakrishnan, who was Jewel Loan. Appraiser at the branch and proceeds were credited to his S. B. Account No. 2644. But there was no evidence at the enquiry that the workman had anything to do with any of these two transactions much less for the purpose of misappropriation of a sum of Rs. 8000. With regard to charge No. 3, none of the witnesses in the enquiry can speak to the effect that the workman exercised pressure on the branch Manager for getting jewel loan sanctioned in his name. With regard

to charge No. 4, there was no witness at the inquiry to speak in favour of the charge alleging that the workman and Manager misappropriated a sum of Rs. 51,479. As regards charge No. 5 neither one Mr. Varadarajan nor Mr. Subramanian or L. Muruganandam was a witness to the enquiry. There was no evidence in the enquiry to establish that from the proceeds of Rs. 10,000 the jewel loan account No. 135/91 of Sri Subramanian was closed. Further, the CBI Inspector could not say anything against the workman in regard to these two charge sheets. Further, he has had no case for prosecution against the workman and he has left it to the management of the bank to examine whether they should employ provision of disciplinary action against the workman. In regard to charges 1 to 3 in the additional charge sheet, the charges are patently vague and of conclusion arrived at are totally perverse. Again there is no document to establish these charges. Charge No. 4 in the additional charge sheet is a repetition of one of the accounts in charge No. 4 of the first charge sheet. All these transactions relate to decisions made by the then Manager and conveyed to workman for their execution which the workman carried out. Under such circumstances, it cannot be held as conniance or collusion with the Manager. Further all these instances relate invariably to 1985 and 1986 whereas all these complaints have been taken in October, 1992 or thereabout. Further, the alleged complaint letters were given in September/October, 1992 and this itself shows that the management conspired to punish the workman for no fault of his. Therefore, the enquiry was not fairly conducted nor was it free of bias against the workman. It is clear that the Presenting Officer and the Enquiry Officer have behind the back of workman connived with each other against the workman to hold him guilty of the charges. They have reduced the enquiry to a mere empty formality and farce. Further, one other circumstance, which proves that enquiry is a farce one, is that on the very date, i.e. when the concerned employee has submitted his reply to the second show cause notice, the Disciplinary Authority passed the order dismissing the workman concerned from service. It is clearly proved that the Disciplinary Authority has predetermined the issue. It is not specifically stated as to how much amount was loss on account of the alleged misappropriation made by the workman and the appellate order was passed without any application of mind. The CBI witness has admitted by implication that he did not make any independent investigation but relied on Mr. Sitaram Bhat's inspection reports. All the alleged complaints in respect of all the charges in both charge sheets were not brought to the enquiry to speak about their complainants especially all of them are proven, wilful and chronic defaulters to establish the credence of their complaints. Almost all the documents are photocopies of the alleged originals and many of them have not been furnished to the workman either at the enquiry proceedings or any other time. Hence, the Disciplinary Authority relying on them for his conclusion and the resultant imposition of punishment are perverse and against the principles of natural justice. Further, the Disciplinary Authority has perversely concluded in his findings that the borrowers of ARDRs benefits did not receive intimation from the branch sent by ordinary post. The evidence of MW1 cannot be deserved to be relied upon and therefore, it is non-existent. There is no order from the Disciplinary Authority for change of Enquiry Officer which is irregular and not proper. Further, the Enquiry Officer relied on the writings on the back side of the Vouchers. Any mention of adjustments on the reverse of any voucher cannot acquire any meaning unless the person involved has to say some thing about them and the workman concerned had an opportunity to rebut them and that too was within a reasonable time. But, in this case the enquiry was conducted after a long lapse of time and no opportunity was given to the delinquent employee. In view of the above reasons, the order of dismissal dated 30-3-96 issued by the Respondent/Bank management against the concerned employee is not justified. Hence, the Petitioner Union prays that an award may be passed for reinstatement and consequential relief as prayed for.

4. As against this, the Respondent in its Counter Statement alleged that the concerned employee while working as clerk/shroff at Nachaluar branch was charged (i) that he availed of a loan in benami name of Mr. Inbasagran and got the amount credited into his S.B. account and also withdrew the same; (ii) that a sum of Rs. 8,000 being the loan under agricultural loan No. 53/91 of Mrs. M. Palaniammal was also misappropriated by the concerned employee; (iii) that the concerned employee also exercised pressure on the Manager and got the sanction of agricultural jewel loan in his name, though he was not eligible for the same; (iv) that the concerned employee also misappropriated a sum of Rs. 51,479/- being the amount remitted by the borrowers towards the loan under suit filed accounts; (v) that the concerned employee also colluded with Mr. S. Subramanian and Mr. Muruganandam and misutilised bill purchase facility for the benefit of staff Mr. Subramaniam; (vi) while working as a clerk/shroff at Nachalur branch, he misapropriate a sum of Rs. 13,608.60 and another sum of Rs. 57,142.15 which represented the amount credited into the accounts of various borrowers by way of relief under ARDRS; (vii) he advised the borrowers to remit more amounts than the actual amount due and amount so remitted by the borrowers was received by him as cashier. Thus, the concerned employee in connivance with Sri M.V. Anantharaman, S. Subramanian and L. Muruganandam had misappropriated as sum of Rs. 42,738/- from out of the claim amount received under ARDRS scheme. An amount of Rs. 3908/- was also misappropriated by the Petitioner in respect of the crop loan No. 101/86 of Smt. P. Jayanthi and all these acts amount to gross misconduct in terms of the provisions of Biparitite Settlement between the bank and

its workmen, so the Disciplinary Authority issued charge-sheet dated 10-5-1993 to the Petitioner and an additional charge-sheet dated 1-2-1994 was also issued and an enquiry was held into the charges in both charge-sheets and in the enquiry all the charges except one were held as proved. Hence, the Disciplinary Authority by an order dated 30-3-1996 dismissed the Petitioner from service of the bank. The concerned employee preferred an appeal to the Applellate Authority and the same was also dismissed on 17-9-1996. The Petitioner was given every opportunity to disprove the charges by examining witnesses and produced documents in his favour. But, the concerned employee having chosen not to examine any witness on his behalf and therefore, he cannot take advantage of the same to his benefits. It is false to allege that the charge-sheets were issued with ulterior motive. The charges were proved by the documentary and oral evidences and hence, there is no need for examining the complainants as witnesses who are accountholders. There was ample, sufficient, vital and legal evidence in the enquiry to establish the charges against the concerned employee and the concerned employee has not brought any evidence to disprove the charges. The findings arrived at by the Enquiry Officer were based on clinching oral and documentary evidences. Further, it is established in the enquiry that Mr. G. Radhakrishnan has only lent his name in respect of purchase of cheques. It is also proved by documentary evidence that the concerned employee has misappropriated the amount of Rs. 8000 along with the manager and other staff for the benefit of them or persons known to them and the above charge was fully proved. Further, it is also proved that a sum of Rs. 43,502 remitted by the borrowers towards their dues under suit filed accounts had been misappropriated by the concerned employee and the manager. It is denied that the complainants were being pressurised to give complaints against the concerned employee. The cheque for Rs. 10,000 was purchased by the branch on 18-2-1992 on account of Sri Varadarajan and sum of Rs. 8238 was withdrawn and the same was utilised to close the jewel loan of staff of the branch. The case of the Respondent/Management is that the concerned employee, Sri S. Subramanian and Sri Muruganandam in connivance committed the above misconduct. The decision of CBI not to initiate the criminal proceedings will not be bar for conducting domestic enquiry proceedings. Mere non-prosecution of the Petitioner and others by the CBI does not itself exonerate them from misconduct committed by them. Since the concerned employee has misappropriated substantial sum of money from the bank and therefore, the bank had to issue charge-sheets to the concerned employee. Further, the concerned employee has misappropriated a sum of Rs. 13,608.60 in collusion with Mr. M.V. Anantharaman, Cashier and L. Muruganandam, Manager and this charge was proved by oral and documentary evidence in the enquiry. With regard to non-examination of complainants is not tenable because their letters were marked as management exhibits through the persons who had received and the involvement of the concerned employee is fully proved in the domestic enquiry. No doubt, the charge No. 4 is a repetition and the Enquiry Officer himself has held that it is a repetition of earlier charge and not discussed the same and held that it is already proved in the earlier charge-sheet dated 10-5-1993. As such, no prejudice would be caused to the concerned employee. The appellate order is a speaking order and in each charge the loss caused to the bank is specifically mentioned and at last, it is generally observed as substantial loss to justify the punishment of dismissal. It is false to allege that the Enquiry Officer and Presenting Officer acted jointly against the concerned employee. The concerned employee has not raised any objection to the annexure to the findings at the time of show cause notice issued to him. Further, he has not stated what prejudice has caused to him by the enclosure to the findings. No doubt, it is true that some of the documents were marked as Xerox copies. But the concerned employee has not objected to the same for marking as management exhibits at the time of enquiry and therefore, he cannot now question the validity of evidence at this stage. Further, all the documents were perused by the concerned employee and the same were marked as exhibits. It was not disputed while marking the said documents as management exhibits. Mr. D. Balasubramanian was appointed as Enquiry Officer purely on adminsitrative reasons. It is also clear that the concerned employee has participated and co-operated in the Enquiry proceedings till the appellate order was passed. As such, he cannot question the validity of the enquiry proceedings at this stage. Further, the Enquiry Officer was attached to Enquiry Cell, Vigilance Department and Sri D. Balasubramanian is perfectly entitled to act as Enquiry Officer as well as Disciplinary Authority in the concerned employee's case. Therefore, the enquiry conducted by the management and the order passed by the Diciplinary Authority is legally valid for the misconduct committed by the concerned employee. Hence, for all these reasons, the Respondent prays that the claim may be dismissed with costs.

5. In such circumstances, the points for my consideration are—

(i) "Whether the dismissal order dated 30-3-1996 issued by the Respondent/ Management against the concerned employee Sri V. Arunachalam is Justified?"

(ii) "To what relief, is he entitled?"

Point No. 1:

6. The admitted facts as in this case are that the Petitioner was employed as a Clerk in Nachallur branch of the Respondent/Bank. When the incident took place and at that time one Mr. L. Muruganandam was the Manager and the concerned employee in I.D. No. 99/2001 one

Mr. S. Subramanian and the concerned employee in I.D. No. 100/2001 one Mr. M.V. Anantharaman were employed as clerks and they were exchanging duties as clerk and cashiers. It is also admitted that two charge-sheets were issued to the concerned employee. The first charge-sheet dated 10-5-1993 which contains five charges and 2nd charge-sheet dated 1-2-1994 which contains four charges in which a departmental enquiry was held and the Petitioner was dismissed on 30-8-1996. Out of the five charges on the 1st charge-sheet dated 10-5-1993 issued to the concerned employee in this dispute, charge No. 1 has been stated as not proved.

7. On behalf of the Petitioner, it is contended that the two charge-sheets are vague and not precise and no witnesses (complainants) were examined to speak about thair complaints alleged to have been given by them and therefore, the complaints given by the alleged account holders cannot be treated as evidence at the enquiry and there is no proof of collusion between the concerned employee and the Manager. Further, on the side of the management, no attempt was made at the enquiry to prove the collusion. The alleged nexus between the Manager and other Clerks to misappropriate the amount has not been proved. Further, there was no evidence at the enquiry that the workman can do anything with any transaction much less misappropriation of the alleged funds of Rs. 51,479 or other sums. Further, no original document was produced before the enquiry or before the Tribunal to prove that the concerned employee having misappropriated any sum in collusion with the Manager Mr. L. Muruganandam and it is also not established by the Management with regard to the charge of misappropriation. It is also alleged by the Petitioner that CBI Inspector could not say anything against the workman in regard to the charges namely collusion, connivance and other frauds. It is also not proved that account holders have remitted more than the amounts mentioned in vouchers especially with regard to ARDRS and therefore, the finding that the charges have been proved except charge No. 1 is baseless and without any proof and therefore, the finding of the Enquiry Officer and the order of Appellate Authority are perverse and only passed to victimise the concerned employee.

8. As against this, on behalf of the Respondent it is contended that the Manager of Nachallur branch was dismissed on 30-4-1996 from service after departmental enquiry in respect of certain charges in which the concerned employees also involved. The said Manager Mr. L. Muruganandam challenged the order of dismissal before the High Court in W.P. No. 17447/1996, which was dismissed by High Court on 8-1-2002 on merits and some of the objections made by the concerned employee in this industrial dispute were also taken by the said Mr. L. Muruganandam and it was considered by the High Court and held against the said Manager Mr. L. Muruganandam. In this background, this industrial dispute has to be considered. Further, prior to charge-sheeting of the concerned employee, there was a thorough investigation conducted by Mr. H.L. Sitaram Bhat and Mr. N. Dhinakaran, they have also submitted a detailed investigation report along with complaints, vouchers, demand promissory notes as annexures. The said investigation officers were examined in the domestic enquiry and the inspection report was also marked in the enquiry proceedings. Though the charge No. 1 of the first charge-sheet has been held as not proved with regard to other charges, it has been clearly established that the guilt against the concerned employee has been proved. The 2nd charge relates to misusing of DBP facility. The charge is that a cheque for Rs. 12,000 was purchased by the Nachallur branch under DBP No. 207/1991 dated 9-9-1991 on behalf of one Sri G. Radhakrishnan, who was Jewel Loan Appraiser of the same branch but on the same day i.e. on 9-9-1991 the amount of Rs. 11,957 was credited to S.B. Account No. 2644 of Mr. Radhakrishnan after commission. But the said Sri Radhakrishnan by his letter denied that he ever availed any DBP facility and on investigation, the investigating officers came to the conclusion that DBP facility was not availed by the said Mr. Radhakrishnan and it was misused by the branch in the name of Mr. Radhakrishnan and the said Mr. Radhakrishnan had acted only as a name lender. Further, it shows that the above DBP facility was realised based on cash payment only on 26-11-1991 and not based on realisstion of cheque which was purchased by the branch. Further, on the reverse of the credit cash voucher, the charge-sheeted employee namely Mr.V. Arunachalam has recorded the adjustment of agricultural loan No. 53/1991 for Rs. 8,000. The said agricultural loan No. 53/1991 pertains to second stage loan amount of Rs. 8,000 of Mrs. M. Palaniammal which was released on the same day i.e. 26-11-1991. The debit cash agricultural advance voucher No. 53/1991 was signed by the concerned employee namely Mr. Arunachalam. At that time, the concerned employee was the cashier disbursing the cash. Further, there was no denomination in the back side of the debit cash agricultural voucher. Thus, it clearly shows that there was no cash disbursement to Mrs. Palaniammal by the concerned employee, but the same was adjusted to DBP facility enjoyed in the name of Sri G. Radhakrishnan in collusion with the Manager. Further, the Manager who was the person who granted DBP facility to Sri Radhakrishnan, was not a trader but only a jewel appraiser. These incidents show that the Manager alone is not responsible for all these misdeeds and the concerned employee and also other employees of the bank were in collusion with the said Manager. Therefore, the Enquiry Officer has held that it was proved by substantial evidence.

9. But, as against this argument, the learned counsel for the Petitioner argued that though it is alleged that Writ Petition filed by the Manager Mr. L. Muruganandam was

dismissed, it bears no relationship with the charges levelled against the concerned employee. Further, the Writ Petition was under article 226. The admitted allegations were listed in para 11 of the judgement, basing on which the Writ Petition was dismissed and none of them relates to the concerned employee. With regard to 2nd charge, the Enquiry Officer relied on the xerox copy of the purported complaint of Mr. G. Radhakrishnan and the said Mr. Radhakrishnan was not examined in the domestic enquiry. The Manager to whom it has stated to have been addressed was also not examined before the domestic enquiry. The alleged original complaint of this person was not admittedly in evidence. Further, even in the xerox copy of the complaint, the said Sri Radhakrishnan has not alleged against the concerned employee. It is established that Mrs. Palaniammal received the proceeds under the debit cash agricultural voucher No. 53/91 in cash signed on its reverse stamped receipt. ME 20 which is marked in the enquiry namely credit cash challan signed by Mr. G. Radhakrishnan, is to prove that he having remitted it. Though there is no mention about the denomination, such marking of denomination is in any event, for the purpose of cashier's convenience for tallying the cash for the day and nothing can be taken against the concerned employee. Above all, these vouchers have been authenticated by the branch officials but no collusion was established with regard to these vouchers. Further, there is no clear evidence to show that Sri G. Radhakrishnan was name lender and except the allegations in the letter which was also not established in the enquiry. Though the Respondent alleged that DBP facility is meant only for traders, no document was produced before the enquiry that it is only for the traders and not to others. Further, a perusal of DBP register would reveal that most of them were given to staff and other customers who are not traders, under such circumstances, the allegation made by the Respondent/Management that the branch has misused the DBP facility is without any substance. Therefore, under such circumstances, it cannot be said that the charge No. 2 has been proved against the concerned employee. Learned counsel for the Petitioner further relied on the rulings reported in 1964 STJ 98 MEENGLASS TEA ESTATE *Vs.* WORKMEN wherein it is held that *"it is an elementary principle that a person who is required to answer a charge must know not only the accusation but also the testimony by which the accusation is supported. He must be given a fair chance to hear the evidence in support of the charge and to put such relevant questions by way of cross examination as he desires. Then he must be given a chance to rebut the evidence led against him. This is the bearest requirement of an enquiry of this character and this requirement must be substantially fulfilled before the result of enquiry can be accepted. A departure from this requirement in effect throws the burden upon the person charged to repel the charge without first making it out against him."* The next decision relied on by the learned counsel is AIR 1959 SC 1111 PHULBARI TEA ESTATE *Vs.* WORKMEN wherein Three Members Bench of the Supreme Court have held *"rules of natural justice require that a party should have the opportunity of adducing all relevant evidence on which he relies that the evidence of opponent should be taken in his presence and that he should be given the opportunity of cross examining the witnesses examined by that party and that no materials should be relied on against him without his being given an oportunity of explaining them."* The next decision relied on by the counsel for the Petitioner is 1967 II LLJ 149 MANDANNA (A.M.) *Vs.* DIRECTOR OF MEDICAL SERVICES wherein the Division Bench of High Court of Mysore has held that *"the enquiry authority cannot merely rely on earlier statements of witnesses in support of his conclusions when those witnesses did not appear before the enquiry authority, nor did they admit the correctness of these statements So their statements did not form part of the record on which dependence could be placed in support of the charges."* He further relied on the decision reported in 1978 II LLJ 437 INDIAN AIRLINES AND OTHERS *Vs.* W.B. CORREYA wherein the Division Bench of Madras High Court has held that *"it has always been recognised that cross examination is the most effective and efficacious test which law has devised for the discovery of truth. Consequently any impairment of this right, whether deliberately or accidentally will have the effect of preventing a person who cross examine from establishing the truth. Equally, it is well settled that if a witness has made a contemporaneous record of what he has seen or heard the same can be used for refreshing his memory in the course of his giving evidence. But, certainly a statement made by him at the stage of a preliminary enquiry cannot be said to be a record made by him of what has happened in the present case in contrary to the well established principles that have to regulate proceedings before any judicial authority and even in a domestic enquiry."* Relying on all these decisions, learned counsel for the Petitioner argued that though MW1 and MW2 have deposed before the enquiry that they have taken the statements of complainants, the said persons were not examined before the domestic enquiry and further, one of the witnesses namely Mr. Seetharam Bhat does not know Tamil and he has not given any evidence to show how he has perused all these things which were in Tamil. Under such circumstances, by producing complaints given by the account holders, the Enquiry Officer can not come to a conclusion that the charges framed against the concerned employee has been proved. Further, the counsel for the Petitioner contended that in this case MW1 and MW2 alleged to be investigating officers. MW3 is the CBI Inspector, but none of them have deposed with regard to any collusion or misappropriation by the concerned employee, there is no evidence in the enquiry about the original statements. Though at the time

of enquiry, it was stated that original statements were under the custody of CBI and there was not even an iota of evidence to prove that these original statements were with the CBI. Further, even the available statements admitted by the concerned employee were also not produced before the domestic enquiry. Even the CBI Inspector who was examined as MW3 has also not deposed that originals are with the CBI. MW2 who has initially conducted investigation, further stated that he has assisted the other investigation officer namely MW1, but MW1 stated that the CBI conducted full inspection on 8-10-92 between 11.30 a.m. to 2.30 p.m. which proves that within a short period of three hours, they have obtained the statements of account holders in different places which is unbelievable. Further, the statements dated are post to his inspection. Even in his investigation report MW1 has not clearly stated that the concerned employee with the collusion of others have made this fraud. But before the enquiry, how he has come to the conclusion that these frauds of misappropriation were done by the concerned employee in collusion with the Manager. He cannot improve and could not have improved on what he has stated in his report. Further, the CBI Inspector namely MW3 has not recommended for any disciplinary proceedings against the concerned employee. Under such circumstances, based on the investigation officer's (MW1) oral evidence, it cannot be held that the charges framed against the concerned employee have been proved. Above all, in this case, the concerned employee is only a clerk and he has no authority to grant or deal with advance and he has carried out the instructions of his superior officers which is evident from the passing/authentication of documents and further at that time Mr. L. Muruganandam was the Manager and Mr. Narayanan was the Accountant and Mr. Venkata Subbu was the SCA at the branch. Though the Respondent/Bank has taken action against Mr. Muruganandam, they have not given any reason for not taking any action against Mr. Narayanan or Mr. Venkata Subbu. Further, except one or two, no statement says that the concerned employee has misappropriated the amounts. Under such circumstances, only relying on the alleged complaints made by the account holders, who were not examined before the domestic enquiry and only basing on the vague allegations, it cannot be said that the charges have been proved against the concerned employee. Further, the statements were given behind the back of the concerned employee and the persons who have given statements were not cross examined by the concerned employee before the domestic enquiry. Under such circumstances, the statements given by the account holders cannot be taken as God spell truth and the Enquiry Officer cannot come to a conclusion that by some mere statements, the allegations against the concerned employee have been proved. Under such circumstances, no reliance can be placed on the alleged statements given by the account holders.

10. I find much force in the contention of the learned counsel for the Petitioner because though the Supreme Court has held in 2000 (4) LLN 598 STATE BANK OF INDIA *Vs.* TARUN KUMAR BANERJEE that *"non-examination of complaints, non-production of money, non-production of so-called confessional statements and non-production of any evidence, which may have been available, but as far as the evidence tendered by two witnesses are concerned who actually saw the incident having taken place in the manner referred to earlier, the charge of misconduct against the 1st Respondent stood proved to guilt and we failed to appreciate as to how the Tribunal could have taken any other view and customer of the bank need not be involved in domestic enquiry conducted. As such a course would not be conducive do proper banker customer relationship and therefore, would not be in the interest of the bank"* in this case, there is no clear allegation against the concerned employee and there is no clear evidence by the persons examined in the enquiry that the concerned employee has been committed the allegations in the charge sheet. Under such circumstances, I cannot come to a conclusion that non-examination of complaints will not be fatal to the case of the Respondent in this case, the persons who had examined in domestic enquiry were not eye witnesses for the allegations made in the charge sheet and they have alleged to have come to a conclusion from the complaints alleged to have been made by the account holders. Under such circumstances, the account holders must have been examined in the enquiry to prove the charges against the concerned employee. But, the complainants namely account holders have not been examined to substantiate the charges framed against the concerned employee. Therefore, I find the charge framed against the concerned employee has not been proved with any satisfactory evidence.

11. With regard to third charge, which relates to availing of agricultural loan and jewel loan, it is argued on behalf of the Respondent that concerned employee has availed jewel loan for more than Rs. 21,100 and it is evident that the Branch Manager has power to grant loan to the staff only to the tune of Rs. 12,000 whereas the concerned employee has got Rs. 21,100 sanctioned in his name. Thus, it is clearly proved that the concerned employee has exercised pressure on the Branch Manager to obtain more loan amount than the eligibility. It is further argued that the concerned employee has availed agricultural jewel loan at a concessional rate of interest for which staff member of the Respondent/Bank is not entitled to avail. It is further argued on behalf of the Respondent that for the same offence, the Manager Mr. L. Muruganandam was also charge sheeted and also found guilty which the High Court has also upheld the same.

12. But, here again, the learned counsel for the Petitioner contended that the discretionary power of

Manager, on which the reliance was placed was not in evidence before the enquiry proceedings. Even assuming for argument sake that the concerned employee has availed jewel loan and agricultural jewel loan, the same was for over a period of two years and on the date of enquiry, there was no due in the said loan. Further, there is no evidence as to why the concerned employee exerting pressure on the Manager. Neither the Manager nor any witness was examined to substantiate the alleged pressure exerted by the concerned employee. Further, there is no documentary proof that agricultural jewel loan cannot be availed by the staff and the rate of interest charged on the jewel loan for the staff is less than the rate of interest charged for agricultural jewel loan. Under such circumstances, it cannot be said that the charge against the concerned employee was proved.

13. I find much force in the contention of the learned counsel for the Petitioner because no substantial evidence was produced before the enquiry that the concerned employee has exerted pressure on the Manager, the Enquiry Officer cannot hold on presumption and because of that the concerned employee has availed more than Rs. 21,100 as jewel loan and agricultural jewel loan. As such, I find this charge was also not proved.

14. The next charge against the concerned employee is that closure of suit filed accounts. The learned counsel for the Respondent contended that there is clinching evidence to support the said charge that the Branch Manager Mr. L. Muruganandam sanctioned fresh loan/ receiving higher amounts and difference amount was misappropriated by the concerned employee with the collusion of Manager and other employees. He again relied on the statements given by borrowers in the presence of investigation officers and argued that it clearly proves that the concerned employee in collusion with the other clerks namely Sri M.V. Anantharaman and Sri S. Subramanian has misappropriated the borrowers money.

15. With regard to this, learned counsel for the Petitioner contended that here again, there is no evidence except the alleged statements given by borrowers in the presence of the investigating officer. As he has already argued that MW1 who does not know Tamil has not stated how he has testified the statements given by the borrowers. The originals of the statements were not produced before domestic enquiry. When it is alleged that suit filed accounts were paid by the respective borrowers in cash, it was not contradicted with any clinching evidence that it was not done so. Under such circumstances, the alleged misappropriation by the concerned employee in collusion with the Manager cannot be said to proved against the concerned employee.

16. Here again, though the Respondent/Bank relied on the Xerox copies of suit filed accounts, all the allegations made by account holders had not been testified before the enquiry. Neither the investigating officer nor the Enquiry Officer can presume or assume things from the statements of account holders. The account holders though alleged to have been given statements which were behind the back of the concerned employee and under such circumstances, the said account holders must be examined before the enquiry to substantiate their claim. But, I find the Enquiry Officer presumed certain misdeeds alleged to have been done by the concerned employee and had come to a wrong conclusion, which, I think, is not proper on the part of the Enquiry Officer.

17. The fifth charge against the concerned employee is that the concerned employee in collusion with the Manager Sri L. Muruganandam and Sri S. Subramanian purchased a cheque for Rs. 10,000 on 18-2-1992 on account of one Mr. Varadharajan and from that account a sum of Rs. 8238 was withdrawn and the sum was utilised to close the jewel loan account No. 135/1991 of Sri S. Subramanian, staff of the branch. Further, on 4-5-1992 another jewel loan for Rs. 10,000 was sanctioned to Mr. Subramaniam and the amount was utilised to recover the amount due under DBP purchased on 18-2-1992.

18. For this, learned counsel for the Petitioner contended that no complaint was made by Mr. Varadharajan or any other person. No doubt, DBP is a transfer entry and Mr. Varadharajan withdrew from S.B. Account No. 2115 a sum of Rs. 10,000 by cash and the bank cannot complaint that the amount has been taken by the concerned emoloyee with the collusion of the Manager and Mr. Subramanian and utilised the same for discharging the jewel loan by the staff Mr. Subramananian. Further, even assuming for argument sake that Mr. Varadharajan has given the amount to discharge the jewel loan, the Respondent/Bank cannot question the customer's action to make use of proceeds with regard to DBP. The allegation made by the Respondent/Bank is only on presumption or assumption.

19. But, again, learned counsel for the respondent contended that the management document ME25 shows that Rs. 9970 was credited to the account of Mr. Varadharajan after deducting commission of Rs. 27. Document No. ME26 is copy of withdrawal slip of Mr. Varadharajan and it was signed by Mr. Varadharajan on 18-2-1992 namely on the same day. On the back side of the said document, the concerned employee has written the denomination, which shows the jewel loan account No. 135/1991 which belongs to Sri Subramaniam. From this it is clear that the concerned employee Mr. V. Arunachalam has not paid Rs. 8238 to Mr. Varadharajan and the DBP facility was only availed in the name of Mr. Varadharajan to close the jewel loan of Sri S. Subramaniam. It is also clear that the jewel loan was closed by Sri S. Subramaniam on 18-2-1992 itself and on the reverse of the credit voucher,

the concerned employee Mr. Arunachalam mentioned the S.B. Account No. 2115 which belongs to Mr. Varadharajan. Further, from the management Ex. 28 it is clear that Mr. S. Subramaniam, clearly has availed another jewel loan No. 11/1992 on 4-5-1992 and on the back side of the debit voucher, no denomination was mentioned by the concerned employee and in credit voucher ME-29 no denomination was mentioned. From this, it is clear that jewel loan was availed to recover the DBP dated 18-2-1992.

20. Though the Respondent alleged that DBP amount has been utilised for discharge of jewel loan of the Clerk Mr. Subramaniam, it is not established by any evidence that the concerned employee was in collusion with the Manager made these things. Further, Mr. Varadharajan was not examined to substantiate this claim.From what source the Respondent/Bank has come to such conclusion that jewel loan of Mr. Subramaniam was discharged by DBP facility, and though some of the marking on the reverse side of the credit voucher and also debit voucher, we cannot presume or assume things from the marking in the vouchers. Under such circumstances, I find much force in the contention of the learned counsel for the Petitioner that only on presumption and assumption and also surmises, the Respondent/Bank has come to the conclusion that concerned employee in collusion with the Manager has utilised DBP facility to discharge the jewel loan of Sri S.Subramaniam.

21. The next charge on the concerned employee is that on the implementation of Agricultural Rural Debt Relief Scheme (ARDRS) loan accounts of the borrowers were credited with relief amount, but not informed to the borrowers and when the borrowers were called on the branch to close the accounts,the concerned employee deliberately concealed the amount of ARDRS credited and advised them to remit more than the actual amaount due and the excess amount so remitted by them was misappropriated by the Cashier with the collusion of others and they relied on the complaint letters of Sri P.N. Ramasamy, Sri M. Ramaiah and Sri Abdul Latiff given to the investigation officers and the Respondent/Bank alleged that Agri jewel ledger Account No. 201/1987 of Mr. N. Ramaiah was done by the concerned employee Mr. Arunachalam and the credit cash voucher AJL 377/1991 dated 21-5-1991 for Rs. 385 pertaining to Mr. Ramasamy were prepared by the concerned employee Sri V. Arunachalam. Similarly, the credit cash voucher pertaining to Mr. Abdul Latiff was prepared by the concerned employee which will prove that the concerned employee is involved in the misappropriation with collusion of others. Similarly complaint letters of P. Pitchai, P. Suriyan, N. Nagarajan and Idumban will clearly show that the complainants have paid more money than the loan outstanding and they were misappropriated by the concerned employee with the collusion of Mr. M. V. Anantharaman and others and further the concerned employee also misappropriated the money of customers namely Mr. Ramasamy Reddiar, Kanagambal, Thandavan, Veeramalai and it is clear that they have not received the ARDRS amount and the concerned employee was the cashier on those days and from the investigation report, it is clearly established the modus operandi adopted by the concerned employee in collusion with other employees in misappropriating the ARDRS amount.

22. As against this, learned counsel for the Petitioner contended that out of the charges 1 to 3, charges 1 and 2 relate to loan accounts remaining outstanding as on 31-8-90 and the third charge relates to payment of relief amounts to borrowers who closed their loan accounts earlier to 31-8-90. With regard to all these complaints, there is no evidence to support that excess amount has been paid which was alleged to have been misappropriated. Except the bald allegation in the complaints, there is no substantial evidence to prove this allegation. Further, these statements are in Tamil and it cannot be said that MW1 who do not know Tamil, how he has come to a conclusion from these Tamil statements that the concerned employee has misappropriated the said amount. When there is no proof that borrowers had paid more than the amount what they were liable, either the investigation officer or the Enquiry Officer cannot hold that they have paid more than what they were liable to pay from the mere allegation made in the statement that too behind the back of the concerned employee. In such circumstances, without proving the statements made by the concerned borrowers are true and without proving the allegations made against the concerned employee, the Enquiry Officer cannot come to a conclusion that the charges framed against the concerned employee in this regard were proved by the investigation officers.

23. Then, again the learned counsel for the Respondent contended that the Supreme Court has held in 1991 I LLN 979 *that 'non-supply of original documents will not vitiate the enquiry'* and in this case the Petitioner never had any grievance for marking Xerox copies of documents during the enquiry proceedings. Further, the honesty and integrity of the concerned employee is seriously in question and therefore, in any event, reinstatement can never be granted and the Respondent/ Bank has lost confidence in the concerned employee and the job in a bank dealing with money requires persons of trust and confidence. Since the Respondent/Bank has lost confidence in the concerned employee, no order of reinstatement can be ordered by this Tribunal. Further, the counsel for the Respondent relied on the rulings reported in 1970 2 LLJ 56 BURN & CO. LTD. Vs. ITS WORKMAN AND ANOTHER wherein the Supreme Court has held that *"Labour Court had jurisdiction to see whether the board of enquiry had observed the rules of natural justice and conducted the enquiry in a manner to which no exception could be taken. If these conditions were fulfilled and if the standing order of the company entitled the board to pass an order of removal from service in case of major misdemeanour, it was not within the jurisdiction of the Labour Court to order reinstatement of the workman.* The Supreme Court further held that *"it is not for the Labour Court to sit in appeal over the board of enquiry with regard to second charge and even if the second charge has not been proved, then the order of dismissal was good on the basis of first charge" and when the enquiry did not affect any principles of natural justice, the Labour Court fell into an error in exercising its appellate power by coming to a different conclusion."* Relying on these decisions, learned counsel for the Respondent contended that out of the ten charges, even one item of misappropriation is sufficient for warranting dismissal of the concerned employee from service because of his fiduciary capacity and, therefore, when the bank has lost confidence over the concerned employee, no reinstatement can be ordered by this Tribunal.

24. Though I find some force in the contention of the learned counsel for the Respondent in this case, from the materials produced before this Tribunal and on the

arguments heard on both sides, I find no charge against the concerned employee was proved by any substantial evidence and the Enquiry Officer has come to the conclusion only on the presumption. Under such circumstances, I find the dismissal order passed by the Respondent/Management dated 30-3-1996 against the concerned employee Sri V. Arunachalam is not justified.

Point No. 2 :—

The next point to be decided in this case is to what relief the concerned employee is entitled ?

25. In view of my finding that the dismissal order passed by the Respondent/Management is not justified, I find the Petitioner is entitled to the relief claimed. In this case, the Petitioner claimed reinstatement of the concerned employee with effect from the date of his dismissal with all consequential benefits. But, with regard to back wages, I find the concerned employee is entitled to claim only fifty per cent of back wages. No Costs.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 29th July, 2005.)

K. JAYARAMAN, Presiding Officer

Witnesses Examined :—

On either side : None

Documents Marked : —

For the I party/Claimant : Nil

For the II Party/Management :

Ex. No.	Date	Description
M1	01-10-92	Xerox copy of the letter from the investigating officers to General Manager of Respondent/Bank
M2	02-11-92	Xerox copy of the letter from H.L. Sitaram Bhat to General Manager of Respondent Bank
M3	27-07-93	Xerox copy of the enquiry proceedings
M4	10-11-92	Xerox copy of the suspension order
M5	10-05-93	Xerox copy of the charge sheet
M6	01-02-94	Xerox copy of the additional charge sheet
M7	20-01-96	Xerox copy of the written brief of Presenting Officer
M8	11-03-96	Xerox copy of the notice for personal hearing issued to Concerned employee
M9	Nil	Xerox copy of the findings of the Enquiry Officer
M10	30-03-96	Xerox copy of the order of dismissal issued to concerned employee
M11	24-04-96	Xerox copy of the appeal preferred by concerned employee
M12	27-07-96	Xerox copy of the letter from Appellate Authority to Concerned employee
M13	19-08-96	Xerox copy of the proceedings of personal hearing
M14	19-08-96	Xerox copy of the letter from the Petitioner to Appellate Authority
M15	17-09-96	Xerox copy of the order of Appellate Authority
M16	30-03-96	Xerox copy of the letter from the Petitioner to Disciplinary Authority
M17series	Nil	Xerox copy of the management exhibits and defence exhibts

नई दिल्ली, 13 अप्रैल, 2006

का. आ. 1748—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. II, नई दिल्ली के पंचाट (संदर्भ संख्या आई डी-87/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-4-2006 को प्राप्त हुआ था।

[सं. एल-12012/454/2001-आई आर (बी-I)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 13th April, 2006

S.O. 1748.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (ID-87/2002) of the Central Government. Industrial Tribunal/Labour Court, No. II, New Delhi now as shown in the Annexure, in the Industrial dispute between the employees in relation to the management of State Bank of India and their workmen, which was received by the Central Government on 13-04-2006.

[No. L-12012/454/2001-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM-LABOUR-COURT-II, NEW DELHI

I.D. No. 87/2002

Presiding Officer : R. N. RAI

IN THE MATTER OF :—

Shri Netra Pal,
House No. 5, Village, Jamrudhpur,
Kailash Colony,
Opp. Lady Sri Ram College,
New Delhi-110 048

Versus

The Regional Manager,
State Bank of India,
Region-III, Parliament Street,
New Delhi -110 001

AWARD

The Ministry of Labour by its letter No. L-12012/454/2001 IR (B-I) Central Government dated 24/31-10-2002 has referred the following point for adjudication :

The point runs as hereunder :—

"Whether the action of the management of State Bank of India in terminating the services of Shri Netra Pal, Ex. Messenger by treating him to have voluntarily retired from service w.e.f. 23-07-1994 is just, fair and legal? If not, what relief he is entitled to and from which date."

The workman applicant has filed statement of claim. In the statement of claim it has been stated that the workman was serving in the post of Messenger with effect from 28-09-1985. Copy of appointment letter is placed as Annexure-A1 with this statement. That the workman's services were confirmed as messenger with effect from 31st March, 1986. Copy of confirmation letter is placed as Annexure-B with this statement.

That the workman fell sick on 26th March, 1993 and could not attend his duties, but he has sent his Medical certificates from qualified Doctor of Mehta Nursing Home and Surgical Centre, C-3176, Janakpuri, New Delhi. Copy of the Medical Certificate and UPC are placed as Annexure-C (Collectively).

That on slight recovery of workman, a fitness certificate was given by the Doctor and workman reported for duties to Branch Manager, SBI, Palam Colony, New Delhi on 21-09-1994 but he was informed by the Manager that this services have been terminated taking his absence into consideration that the workman has voluntarily retired from service. Copy of the letter showing the workman has retired voluntarily is placed as Annexure-D with this statement.

That neither any domestic inquiry was held nor any opportunity was given to workman to put this defence. The medical/sickness of the workman were not taken into consideration without second medical or giving reason for not accepting the same. Thus, the workman has been denied natural law of justice and has been dismissed from service arbitarily. This amounts to forcible dismissal and that too without any proper inquiry and without affording opportunties in such a major punishment.

That the workman has suffered the following losses due to alleged dismissal and he submits the following statement of claim :—

(a) Reinstatement in service with full back wages.

(b) Salary (Pay & Allowance) from 01-03-1993 till date about nine years at the rate of Rs. ...../- amounting to Rs. ...../.

(c) Increment about Rs...../-.

(d) Promotion as per his counterparties.

(e) Interest on amount due frrom the date of illegal dismissal till payment.

The Management has filed written statement. In the written statement it has been stated that the claim of the claimant does not disclose any cause of action for challenging to the action of the management in treating the workman as voluntarily retire under Clause 17 of the 5th BPS dated 10-4-1989. The claim is therefore, liable to be dismissed. That the claim is barred by delay and laches. The workman was voluntarily retired from the Bank's service w.e.f. 23-08-1994. The workman acquiesced in the order for 8 years. Having accepted his terminal benefits accuring on his voluntary retirement he is estopped from turning around and challenging the same after lapse of more than 8 years. Hence, the petition is liable to be dismissed.

That there is no employer-employee relationship between the applicant and the answering respondent after his voluntary cessation of service from the bank. Hence, there cannot be any industrial dispute in the matter. The petition is liable to be dismissed on this ground. The claimant has voluntarily retired from the service of the Bank in accordance with Clause 17 of the BPS dated 10-4-1989. The petitioner at the relevant time had no intention of joining the duties and has voluntarily cessed his job. But now after a gap of more than eight years the claimant had come up with a plea of sickness. In fact, the claimant never sent any application to the Bank for grant of leave to him.

The terms of service conditions of employees in State Bank of India are covered by Sastry Award, Desai Award and BPS entered into between the management of the bank and All India State Bank of India Staff Federation, Para 17 of the 5th BPS dated 10-04-1989 provides as under :—

"When an employee absents himself from work for a period of 90 or more consecutive days without submitting any application for leave or for its extension or without any leave to his credit or beyond the period of leave sanctioned originally/ subsequently or when there is satisfactory evidence that he has taken up employment in India or when the management is reasonably satisfied that he has no intention of joining duties. The management may at any time thereafter give a notice to the employee at his last known address calling upon him to report for duty within 30 days of notice. Stating *inter alia*, the gounds for coming to the conclusion that the employee has no intention of joining duties, the employees will be deemed to have voluntarily retired from Bank's Service on the expiry of the said notice. In the event of the employee submitting a satisfactory reply, he shall be permitterd to report for duty thereafter within 30 days from the date of the expiry of the aforesaid notice without prejudic to the Banks' right to take any action under the law of rules of service."

The claimant started absenting himself from duty w.e.f. 26-3-1993. The Branch vide its letters dated 23-4-1993 asked the petitioner to report for duty at the Branch, but he failed to attend duty in response to the aforesaid letters (Photocopy enclosed marked as Annexure-I). After that, vide its letter dated 5-3-1994, the Branch wrote to the petitioner to report for duty within 30 days of receipt of said notice and in case he fails to do so, he shall deemed to have been voluntarily retired from the service on the expiry of the said notice. In the month of May, 1994, the petitioner sent two medical certificates from 1-4-1994 to 30-4-1994 and 1st May, 1994 to 15th May, 1994 issued by one Dr. R. K. Jethani, RMP, however no leave application was sent with it. Again in the month of June, 1994, two medical certificates from 16th May, 1994 to 30th May, 1994, and 31st May, 1994 to 14th June, 1994 issued by Dr. R. K. Jethani, RMP was received by the Bank. However, no leave application was sent by the claimant. Not satisfied on the medical certificates, the claimant was called to appear before Medical Board on 8-7-1994 vide Branch letter No. 94/29 dated 28-6-1994 as per his service conditions. However, the claimant voluntarity abstained from appearing before Medical Board. The petitioner was served with a notice vide Branch Memo No. 94/42 dated 23-7-1994 calling upon him to report for duty within 30 days of the date of notice as per his service conditions. However, the claimant failed to report for duty within 30 days of receipt of notice and did not give any explanation for his unauthorized absence. Accordingly, vide its registered notice dated 7-9-1994 the appointing authority i.e. the respondent No. 1 wrote to the claimant that as he has failed to report for duty in response to earlier notices of the branch dated 23-7-1994 within 30 days, so it was deemed that he has voluntarily retired from the service of the Bank w.e.f. 23-8-1994. From this, it can be observed that the employee was first asked to report for duty without delay and when he continued to absent himself from work for a period of more than 90 days consecutively then he was asked to report for duty within 30 days of notice as per the above mentioned terms of service cconditions. When he failed to report for duty within the aforesaid period, then he was deemed to have voluntarily retired from the service of the bank. It clearly shows that the Bank has taken all the steps and followed the principles of natural justice. It also clearly established that the claimant at the material time had no intention of joining the duties and the story put forward by him is completely a concocted version.

It is denied for want of knowledge that the workman fell ill on 26-3-1993. However, reply given hereinabove in para 4 of the Preliminary Objections is reiterated. It is submitted that the claimant never submitted the medical certificates to the answering respondent which he has filed with the claim in the Court. Vide memo dated 23-7-1994 the workman was called upon to report for duties or give satisfactory explanation to his unauthorized absence within 30 days of the notice. The workman neither reported for duties nor gave any explanation for his unauthorized absence, within the period specified in the memo dated 23-7-1994. Accodingly as per his service conditions as given in Clause 17 of the BPS dated 10-4-1989, he was deemed to have voluntarily retired from the Bank's Service w.e.f. 23-8-1994. The same was duly communicated to him vide letter dated 7-9-1994.

The contents of Para 5 are wrong and denied. In reply to the reply given in the Preliminary Objections is reiterated. Furhter, there is absolutely no need of any inquiry in such type of cases where the claimant has himself voluntarily cessed of his services as per his service conditions prevailing at the material time and principles of natural justice is inherent in the memo dated 23-7-1994 and full opportunity was granted to the workman to report for duties within the period specified as per his service conditions.

The claimant neither reported for duties nor gave any explanation for his unauthorized absence, within the period specified in the memo dated 23-7-1994. The claimant cannot be allowed premium over his deliberate acts of omissions/commissions. Further, it is wrong to state that the claimant had ever been dismissed from the Bank's services; rather the claimant has himself voluntarily cessed of his services as per his service conditions prevalent at the material time. It is also wrong and denied that the claimant suffered any kind of losses as stated.

The workman applicant has filed rejoinder. In his rejoinder he has reiterated the averments of his claim statement and has denied most of paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard arguments from both the sides and perused the papers on the record.

It was submitted from the side of the workman applicant that he joined bank service on 28-9-1985. He was confirmed w.e.f. 31-3-1986. He fell ill on 26-3-1993 and he sent applications with medical certificates but he was not intimated regarding the status of his leave. After slite recovery the workman approached the bank on 21-9-1994 but he was informed that his services have been terminated and he has been voluntarily retired from service.

It was further submitted that the bank did not conduct domestic inquiry and no opportunity was given to the workman to defend his case. His medical/sick certificates were not considered. His leave applications were not considered. He was arbitrarily and unjustifiably voluntary retired from Bank's service.

The date of joining of the workman and confirmation to the post is admitted. It is admitted to both the parties that he was voluntarily retired on 23-8-1994. It is also admitted that he appeared before the bank on 21-9-1994 along with medical certificates.

The bank's witness has further admitted that the entire retiral benefits have not been paid to the workman. In case final and full settlement regarding the dues of the workman has not been reached at and he has not been paid all the retiral benefits he will be entitled to get 20 % interest.

It was submitted from the side of the bank that the workman was directed on 28-6-1994 to come with all his medical certificates to appear before Doctor on 8-7-1994 but the workman did not appear before the bank's Doctor and he did not report.

It was further submitted that on 23-7-1994, 30 days notice was issued to the workman but still he did not report for duty or give any satisfactory explanation. The receipt of the letter dated 23-7-1994 has not been denied by the workman. He was duty bound to report for duty or give satisfactory explanation within 30 days but he sent no explanation and he did not report for duty The Bank on 23-8-1994 sent him a letter of voluntary retirement. The workman has received this letter also but it is on 21-9-1994 after one month of the receipt of the letter of voluntary retirement he approached the bank for joining. In case the workman fails to give satisfactory explanation of 30 days notice or he fails to report for duty Clause-17 of the BPS is attracted and order for voluntary retirement can he passed.

It was further submitted that the workman was directed to appear before the bank's Doctor on 8-7-1994 at 10.00 A.M. by letter dated 28-6-1994 still he did not appear before the bank's Doctor and he did not give any satisfactory reply to that letter.

It was further submitted that he was furnishing false certificate. He has no X-ray report, pathological report and other investigation report and even prescription. So he did not appear before the Bank's Doctor along with the clinical report at 10.00 AM. His medical certificates appear to be contradictory and even in court he has not filed prescription or clinical report.

The workman has annexed with the records the orignal UPC certificate dated 27-3-1993, 27-7-1993, 27-11-1993, 8-8-1993 and 21-2-1994. It appears that he has not sent any intimation to the bank after 21-2-1994. He was retired on 21-8-1994 after six months the workman has not entered into any correspondence with the bank. he has not filed applications for this period.

It has been provided in Clause-17 that if an employee does not report for duty or give satisfactory explanation to 30 days notice it shall be deemed that he has no intention to join and he has taken some other avocation. The workman did not reply to 30 days notice or letter for appearing before the bank's Doctor so the bank has rightly drawn presumption that the workman has taken some other avocation and he is not willing to resume duties in the bank. Clause 17 has been declared constitutional and the workman has failed to prove that the reported for joining or he gave satisfactory explanation to 30 days notice. It has been held in Para -18 of the settlement that desertions will not be implied in case the employee sends intimation to the notice received by him, In the present case the workman has received 30 days noice but neither he reported for duty nor he gave satisfactory explanation. The Bank has voluntarily retired him after complying with the terms and conditions of Clause-17 of the BPS.

It has been held in 2001-I-LLJ page 174 that the burden is on the employee to prove that he replied to 30 days notice..In case it is not proved by him he will be voluntarily retired. This case law is squarely applicable in the case of present workman. It is not necessary for the bank to initiate inquiry against the workman and to give him sufficient opportunity. Clause 17 of the BPS does not contemplate holding of inquiry. The clause comes into operation in case the employee fails to report for duty or give satisfactory application to 30 days notice. The workman has neither reported for duty nor he has given any satisfactory explanation so the bank has rightly ordered voluntary retirement. The order is quite just and legal. No interference is required.

The reference is replied thus :-

The action of the management of State Bank of India in terminating the services of Shri Netra Pal, Ex. Mssenger by treating him to have voluntarily retired from Service w.e.f. 23-7-1994 is just, fair and legal. The workman applicant is not entitled to get any relief as prayed for.

Award is given accordingly.

Dated 5-4-2006 R. N. RAI, Presiding Officer

नई दिल्ली, 13 अप्रैल, 2006

का. आ. 1749—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. II, नई दिल्ली के पंचाट (संदर्भ संख्या आई डी-85/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-4-2006 को प्राप्त हुआ था।

[सं. एल-12012/12/2003-आईआर (बी-I)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 13th April, 2006

S.O. 1749.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (ID-85/2003) of the Central Govt. Industrial Tribunal/Labour/Court. No. II, New Delhi inow as shown in the Annexure in the industrial dispute between the employers in relation to the management of State Bank of India and their workmen, which was received by the Central Government on 13-4-2006.

[No. L-12012/12/2003-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR-COURT-II, NEW DELHI

I.D. No. 85/2003

Presiding Officer : R. N. RAI.

In The Matter Of :—

Shri Ramchander,
C/o Shri J.N. S. Kapoor,
33-34 Bank Employees,
Rajouri Garden,
New Delhi-110 027

Versus

The Assistant General Manager,
State Bank of India,
Region-II, 11, Parliament Street,
New Delhi -110001

AWARD

The Ministry of Labour by its letter No .L-12012/12/2003-IR(B-I) Central Government Dt. 30-05-2003 has referred the following point for adjudication :

The point runs as hereunder :—

"Whether the action of the management of State Bank of India, Sarai Khawaja in non payment of back wages to Shri Ram Chand, Messenger is justified ? If not, what relief the workman is entitled to."

The workman applicant has filed claim Statement. In the claim statement it has been stated therein. that the workman was permanently employed as Massenger in State Bank of India, Faridabad. That the workman was placed under suspension by the bank on 7-9-1983 for false and fabricated case against him filed by the Bank with the police.

That the workman was dismissed by Bank on the basis of judgement against the workman of Shri V. P. Gupta, Judicial Magistrate, Faridabad. The Criminal Case was registered on the basis of F.I.R. filed by the Bank.

That the workman filed an appeal against the said judgement in the Court of Session Judge, Faridabad who acquitted the workman honorably *vide* his order dated 10-8-1998.

That the workman submitted a detailed representation *vide* his letter dated 18-8-1998 to the Bank for revocation of his illegal dismissal orders on the basis of acquittal orders passed by the Session Judge on 10-8-1998. The said letter was delivered to the Bank alongwith a copy of the judgement which was received by the Bank; the copy of which is enclosed marked Annexure 'A'.

That the workman was reinstated on the basis of the above order of the Session Judge on 21-9-1999 vide AGM letter No. DZO/RV/VKD 282 dated 20-9-2000; the copy of which is enclosed—(Marked Annexure 'B').

That the workman has been paid wages for the suspension period i.e. from 7-9-1983 to 20-9-1994, but the wages from 21-9-1994 to 20-9-1999 during which the workman remained on illegal dismissal have not been paid by the Management.

That the Bank on the basis of illegal conviction orders dated 21-9-1994, passed by the Judicial Magistrate-I, Faridabad, issued a show cause notice to dismiss the workman from the Bank's service vide their letter No. PCF/94/48 dated 29-11-1994, delivered to the workman on 24-12-1994; the copy of which is enclosed—Marked Annexure 'C'.

That the workman vide his letter dated 28-12-1994, delivered to the Bank against receipt, replied the management, that the order of the Judicial Magistrate has been stayed by the Session Judge, vide his order dated 21-10-1994 and requested the Management not to implement the proposed show cause notice of dismissal in view of the stay orders. The copy of the stay order was also enclosed with the above application. The copy of the application is enclosed marked Annexure 'D' alongwith the copy of the stay order marked Annexure 'E'.

That despite stay order issued by the Hon'ble Session Judge on 21-10-1994, the Management still dismissed the workman illegally on 20-6-1995 vide their order No. BM-95-1996/PCF/5 dated 20-6-1995; the copy of which is enclosed marked Annexure 'F'.

That the workman was under suspension and the management should have allowed him to continue under suspension till the case would have been finally disposed of by the Hon'ble Session Judge. The Management disobeyed the orders of the Session Judge and illegally dismissed the workman on 20-6-1995.

That the Hon'ble Addl. Session Judge, Faridabad acquitted the workman as per his judgement dated 10-8-1998. The workman also submitted a copy of the above judgement to the Bank requesting the Bank for reinstatement with continuity of service alongwith full back wages and benefits. The copy of the representation dated 19-8-1998 sent to the Bank in this regard is enclosed—Marked Annexure 'G'.

That after several representation and legal notices the Asstt. General Manager, Region-V, State Bank of India, Zonal Office, New Delhi *vide* his letter No. DZO/RV/VKP/282 dated 20-9-1999 advised the workman as under :

"In view of your acquittal from the Appellate Court in case U/S 476, 471 & 420 IPC, you are hereby reinstated in Bank's service with immediate effect. Accordingly you are instructed to report for duty to the Branch Manager, Sarai Khawaja Branch.

The decision regarding your claim for other benefits will be taken up separately."

That the Bank paid the workman back wages for suspension period without interest i.e. from 8-9-1983 to 20-9-1994 but did not pay him back wages from the date of

his dismissal i.e. 21-9-1994 to 20-9-1999 during which period the Bank illegally dismissed the workman.

That the workman submitted a detailed representation to the Bank in this regard i.e. for claiming wages for the illegal dismissal period on 16-7-2000; the copy of which is enclosed Marked Annexure 'H'.

That despite several representation, the Bank did not resolve the dispute of the workman, therefore, the above dispute has been referred to this Hon'ble Tribunal by the Govt. of India, Ministry of Labour after due process.

That in terms of provision of Sastry Award governing the service conditions of the workman, it is laid down that if an employee prefers an appeal against the conviction and is acquitted, the management shall review his case and reinstate him. The employee was accordingly reinstated by the Management but they are denying him his legitimate claim of back wages for the illegal dismissal period.

That the workman was illegally and for malafide reasons criminally proceeded by the Bank just to harass and victimise him and protect the culprits holding high position in the Bank.

That the workman is the lowest ranked employee, i.e. PEON (Messenger) in the Bank. He and his family, were subjected by the Bank to mental torture, starvation and agony for Sixteen Years i.e. from the date of his illegal suspension on 7-9-1983 followed by malafide F.I.R. by the Management, arrest of the workman, criminal trial then conviction by the Judicial Magistrate followed by illegal dismissal by the Management on 21-9-1994 despite stay order issued by the Session Judge against the conviction order of the Judicial Magistrate, till the date of acquittal by the Session Judge on 20-9-1999. The workman and his family suffered for 16 years for no fault on their part. Now again to harass and victimise the workman, the Management is denying his legitimate and legal claim of wages for the period of is unlawful dismissed period i.e. 21-9-1994 to 20-9-1999.

That in view of the facts stated above, the action of the Management is illegal, malafide and amounts to unfair labour practice and victimisation of the workman.

The Management has filed Written Statement. In the written statement it has been stated that the dispute raised by the workman has not been espoused by a trade union and therefore the same does not acquire the status of an Industrial Dispute. The Dispute raised before this court is not covered under Section 2A of the I.D. Act and therefore needs espousal from a trade union in order to become a collective dispute as contemplated in the scheme of the Industrial Dispute Act. Therefore, it cannot be adjudged by this Tribunal, which has been created under the Act to decide the Industrial Disputes only.

The true fact that the workman who was working as a Messenger with the Management got discounted DD's on 5-1-1982, 9-1-1982 and 7-12-1981 amounting to Rs. 13900.00 in the account of one M/s. Amit Engg. A proprietary concern of Neelam Gupta and Hukam Chand. The above cheques were received back and the amount could not be recovered from the account holders. As the Workman had misused his official position in the Management Bank, a charge sheet dated 2-3-1984 was issued to the Workman. However the workman drawn a sum of Rs. 52000 from the account of Smt. Kantal Rani, who was having an account in the branch where the Workman was employed, by forging her signatures. A FIR with respect to this misappropriation was lodged with the police on 10-8-1983 and the Workman was arrested. The police investigated the case and filed charge sheets in the court and the Workman was convicted under Sections 467, 471 and 420 of the I.P.C. by the court after a trial vide judgement—dated 21-9-1994. A show cause notice dated 29-11-1994 was served upon the workman under Sec. 521(2) (b) of the Sastry Award read Sec. 10(1)(I) of the Banking Regulations Act and subsequently the services of the Workman were terminated w.e.f. 21-9-1994.

However, it is wrong and denied that the appellate court honourably acquitted the workman. The acquittal of the workman was on the basis of benefit of doubt and not honourable as alleged by the workman.

However, it is false and hence denied that the wages for the period between 21-09-1994 to 20-09-1999 were illegally not paid to him. It is submitted that the workman had not worked for this period and therefore not entitled to wages.

It is wrong and denied that the conviction of the workman was stayed by the Appellate Court. It is submitted that the Appellate Court granted bail to the workman and admitted the matter for hearing.

The workman has not basis to submit that he was entitled to be continued in service or that he should have been allowed to continue till final disposal of the case. The management acted in accordance with the applicable rules and regulations such as Section 10(1)(b)(i) of the Banking Act and no illegality was committed by the management in dismissing the workman. It is vehemently denied that the management disobeyed the orders of the Sessions Judge or that it committed any illegality in dismissing the workman from service.

It is submitted that the workman was paid wages for the period for which he was entitled as per the applicable law and the rules and regulations. It is denied that the workman was illegally dismissed from his service. It is reiterated that the dismissal of the workman from service was in accordance with the applicable rules, regulations and settlements binding on the parties.

That the management reinstated the workman in service in accordance with the applicable rules, regulations and settlements, but as he had not worked during the interregnum and was convicted by the Trial Court, therefore he was denied the back wages for the period he rendered no service with the management. It is wrong and hence denied that the management denied any legitimate claim of the workman as alleged in para under reply. The workman was denied back wages, as he was not entitled for the same.

It is denied that the management for malafide reasons prosecuted the workman or that he was victimized/harassed by the management. It is submitted that the Police is the prosecuting agency in the criminal trials and accordingly the Police discharged its duty for pursuing the prosectuion of the workman for the illegalities committed by him and the management had no role to play in the prosecution of the workman. The management acted bonafidely to protect the interests of the customers whose money was misappropriated by the workman.

It is denied that the workman and/or his family were subjected to mental torture, starvation or agony. The management bank acted bonafidely and if at all the workman and his family suffered, It was due to his own misdeeds and faults. It is wrong and denied that the workman was illegally dismissed or that he was dismissed despite stay order of the Session Judge, as alleged in para under reply. It is denied that the workman and his family suffered or that the management had any intention to harass or victimize the workman, as alleged in para under reply. The allegations of the workman as contained in para under reply have no basis whatsoever and vehemently denied by the management.

The workman applicant has filed rejoinder. In his rejoinder he has reiterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard arguments from both the sides and perused the papers on the record.

It was submitted from the side of the workman applicant that he was suspended on 7-9-1983 on false and fabricated cases pursuant to lodging of FIR. It is admitted that he was convicted by the Trial Court on 21-09-1994. After his conviction the respondent removed him from service. It is also admitted that the workman preferred appeal against the order of conviction of the Trial Court on 21-09-1994. Appeal was admitted in the Appellate forum and the workman was bailed out. It is also admitted that the workman was equitted by the Ld. Session Judge.

It was submitted from the side of the workman that the Ld. Session Judge granted him bail on 21-09-1994 and stayed the operation of sentence and judgment.

From perusal of the bail order it transpires that he was only bailed out and conviction or sentence was not stayed by the appellate court dated 21-09-1994.

It was further submitted that the workman was illegally dismissed despite the stay of the operation of the sentence or the stay of the operative portion of the judgment. There is no stay of sentence or conviction passed by the Ld. Session Judge in criminal appeal. That the admitted facts are that the workman was dismissed when he was convicted by the Trial Court and he was reinstated on 21-09-1994 when he was equitted by the Ld. Session Judge.

It was submitted from the side of the workman that he is entitled to back wages for the period of his dismissal i.e. from 21-09-1994 to 20-09-1999 as he shall be deemed to be in continuous service.

It was submitted from the side of the respondent that dispute is not an industrial dispute. In view of Section 2(k) of the ID Act, ID has been defined in 2(k). The dispute in this case is connected with the employment or non-employment of the workman. No espousal is necessary.

Section 2A has been inserted by Act No. 35 of 1965 for section 3 w.e.f. 1-12-1965. According to the definition of this amended section discharge dismissal etc. shall be deemed to be an industrial dispute notwithstanding union being a party to the dispute. Section 2(A) is inserted on 1-12-1965. It implies in clear terms that no espousal is required in individual disputes between the employer and employee in case it has proximity with discharge dismissal etc. In view of amendment no espousal is required. The dispute is very much industrial dispute as it falls within the domain of 2(A) and 2(K) is not attracted in the present case.

It was further submitted from the side of the management that the Hon'able Apex Court has held in (1996) 12 FAC LR 731 that after an appeal is admitted and bail is granted there is no final judgment against the appellant. Since the judgment and conviction is under appeal so there is no final judgment but it cannot be said that conviction or sentence be deemed to be stayed after appeal is admitted and the convict is bailed out. This case law is not applicable in the facts and circumstances of the case. My attention was also drawn to 1990 CRJ Page 1919. Sentence or operative portion of the judgment or conviction is not specifically stayed in the present case. The workman should have obtained stay from the appellate court in case he apprehend that evil civil consequences will visit him. The appellate court stays the conviction of the Trial Court when conviction is not based on cogent reasons and reliable evidence.

In the instant case the Ld. Session Judge has held that prosecution has failed to prove his case beyond any shadow of doubt as such the workman has been equitted

by the appellate court on benefit of doubt. The Ld. Session Judge has not specifically stayed the operative portion of the judgment. So (1966) 12 FAC LR 231 is not applicable in the instant case. 1990 Criminal Law Journal 1919 is not also applicable in the facts and circumstances of the present case.

It was further submitted from the side of the workman that there are infirmities in the evidence of the management witness. Oral evidence is of little importance in the present case. The case is based on documents and the law point is involved i.e. whether the workman is entitled to get full back wages for his period of dismissal.

My attention was drawn to 2003 9 AD (SC) 220. The Hon'ble Apex Court has categorically held that the department in such case is nowhere concerned with the criminal case and therefore cannot be saddled with liability for back wages for the period when he was out of service during/after conviction suffered by the respondent in the criminal case.

In view of the above judgment of the Apex Court the workman is not entitled to get back wages for the period of his conviction. The law cited by the workman is not applicable in the facts and circumstances of the present case. The workman has been dismissed as per the provision of the Banking Act. The bank has acted legally. The dismissal is not illegal in view of this fact also. The workman applicant is not entitled to get any relief as prayed for.

The reference is replied thus:—

The action of the management of State Bank of India, Sarai Khawaja in non-payment of back wages to Shri Ram Chander, Messenger is justified. The workman applicant is not entitled to get any relief as prayed for.

Award is given accordingly.

Date: 4-4-2006

R.N. RAI, Presiding Officer

नई दिल्ली, 13 अप्रैल, 2006

का. आ. 1750—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्दीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. II, नई दिल्ली के पंचाट (संदर्भ संख्या आई डी-148/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-4-2006 को प्राप्त हुआ था। के

[सं. एल-12012/328/1997-आई आर (बी-I)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 13th April, 2006

S.O. 1750.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (ID-148/1998) of the Central Government Industrial Tribunal/Labour Court, No. II, New Delhi now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank of India and their workman, which was eceived by the Central Government on 13-04-2006

[No. L-12012/328/1997-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

I.D. No. 148/1998

Presiding Officer : R. N. RAI

In the matter of :—

Shri Jasbir Singh,
II G-71, Lajpat Nagar II,
New Delhi.

VERSUS

The Assistant General Manager,
Region-1,
State Bank of India,
Delhi Zonal Office,
11, Sansad Marg,
New Delhi -110 001

AWARD

The Ministry of Labour by its letter No. L-12012/328/1997-IR(B-I) Central Government Dt. 20-08-1998 has referred the following point for adjudication.

The point runs as hereunder :—

"Whether the action of the Management of State Bank of India in terminating the services of Shri Jasbir Singh, Clerk-cum-typist is just, fair and legal. If not, what relief the concerned workman is entitled to?"

The workman applicant has filed claim statement. In the claim statement it has been stated that the plaintiff was employed at Jangpura Branch of the Defendant Bank.

That the service conditions of the award staff in the bank are governed by the provisions of the Shastri award as modified by the Desai award and the subsequent Bipartite-part settlement which have statutory force.

That during January 1991 the workman plaintiff fell sick and was advised complete bed rest by the attending physician. The workman applied for leave and submitted to the bank the relevant medical certificates along with the leave applications.

That the Branch Manager, Jangpura Branch of the bank vide his memorandum no. 91/828 dt. 10th Feb, 1991 addressed to the plaintiff wrote "it is observed that you are absenting from duty unauthorisedly since 23-1-1991. You are therefore advised to report for duty within 3 days of the receipt of this letter and explain the reason for your absence without notice". The workman being sick his wife advised to the bank about his sickness and forward the leave applications under postal certificates. The photocopies of the leave applications/ Medical certificates and postal receipts are enclosed and marked as Annexure A-1 to I-3.

That in the meanwhile due to the family dispute the plaintiff had to leave his father's house, as his father severed all links with him. A photocopy of the relevant affidavit is enclosed and marked as Annexure-J.

That in Sept. 1993 the plaintiff recovered from the illness and become fit to join the duties. He informed of the same to the bank vide his letter dt. 8-9-1993, sent to the bank by registered post, as the branch manager on his reporting at the branch had not allowed him to join the duties. A photocopy of the letter with postal receipt is enclosed and marked as Annexure-K. This letter was followed by the plaintiff by a reminder dt. 9-12-1993 duly receipt by the bank. A copy of the reminder is enclosed and marked as Annexure-L.

That the Branch Manager, Jangpura Branch vide his letter dt. 9-2-1994, in reply to the plaintiff letter dt. 8-9-1993, 9-12-1993 informed him about his inablity to allow the Plaintiff to rejoin his duties. A photocopy of the letter is enclosed marked as Annexure-M.

That the plaintiff in response the branch manager's letter dt. 9-12-1994 advised to him that he had already submitted his leave applications and relevant medical certificates from time to time and he should be allowed to join the duties. A Photocopy of the letter is enclosed marked as Annexure-N.

That the branch manager against all norms and rules did not allow the plaintiff to join the duties and instead verbally advised to him that he has since been retrenched from the bank's service. The branch manager had verbally informed to workman that his sevices has been terminated, the plaintiff had not received any notice or termination of service.

That this termination of service without any notice or enquiry is unjust, unfair and illegal and therefore, should be set aside.

The Management has filed written statement in the written statement it has been stated that Mr. Jasbir Singh cannot raise the present dispute after a lapse of 6 years. Mr. Singh being treated to have voluntarily retired from the bank's service in the year 1991 has raised the present dispute in the year 1997. So, he is guilty of delay and latches cannot be granted any relief. In one of the case titled as CBI Vs. S. Satyam AIR 1996, Supreme Court 2526, the Supreme Court observed that lapse of long period of several years is sufficient to decline relief.

The applicant, Mr. Jasbir Singh, is estopped by his act and conduct to raise the present industrial dispute as he has remained wilfully absent from his duties and at the relevant time had no intention to join the duties. Mr. Jasbir Singh has put forward a concocted story to explain his unauthorized absence from the Bank. He is putting forward a lame and false excuse to justify his claim of joining the Bank after he has been deemed to have voluntarily abandoned the job as per the terms and conditions, of service incorporated in the Bipartite Settlement entered into between the Management of State Bank of India and State Bank of India Staff Association.

Mr. Jasbir Singh was working as Typist/Clerk at Jangpura Branch of the respondent Bank. He did not attend the office w.e.f. 23-1-1991 without making any application. When the Branch, did not receive any leave application or any information about Mr. Jasbir Singh, the Branch vide their letter No. 91/828 dated 10-2-1991 (Annexure-I) asked Mr. Jasbir Singh to report for duty within 3 days from the date of the letter. The contents of the said letter clearly state that Mr. Jasbir Singh is absenting unauthorisedly from the Bank. If he would have made an application at the time of proceeding on leave, then the Bank must have mentioned the same in the said letter or there was no need to send the said letter to him. Nobody at the Branch was ever having any maladies against Mr. Singh, Actually, the Branch never received any application supported by medical certificate either from Mr. Jasbir Singh or his wife as is evident from the records of the Branch, the Inward Dak Register (Annexure-II). The photo copies of Inward Dak Register of the relevant period is enclosed herewith. You will appreciate that if an employee wants to have any relief form the management, he must come with clean hands. Power to grant leave vests with the 'Management and, therefore, the employee should satisfy the Management in support of his plea of sickness. Mr. Jasbir Singh never submitted any leave application supported by medical certificate at the relevant time. As has been held in a number of cases by various High Courts that the medical certificate by the workman should be produced alongwith an application for leave to enable the Management to consider the same at the time of taking a decision and he cannot produce it later on when the action has already been taken as per the standing instructions/terms & conditions of the service of workman. In the present case, actually a concocted story has been made just to get a re-entry in the Bank. At the relevant time, Mr. Jasbir Singh had no intention of joining the duties but subsequently, he changed his mind and wants to undo his previous acts.

Accordingly, Mr. Jasbir Singh started absenting himself from the duties w.e.f. 23-1-1991. He was reminded of attending the duties by first letter notice dated 10-2-1991. When he failed to report for duty as per the

rules, a notice after 90 days was sent to him vide letter No. Br. Gen/91/997 dated 23-4-1991 (Annexure-IV) to report for duty within 30 days. Mr. Singh, in response to the said notice. Neither reported for duty nor satisfied the Management regarding his unauthorised absence from the Bank which clearly indicated that he had no intention of joining the duties at the relevant time. Thereafter, the Bank sent a final notice No. DAO : RI : PCF : 2301 dated 5-9-1991 (Annexure-V) through registered post (Annexure-VI) Which Mr. Jasbir Singh refused to accept and it was received back by the Branch. However, the same notice was also issued through U.P.C. and the ordinary post which must have been received by Mr. Singh and the same have not been returned to the Bank.

In view of the above, treating Mr. Singh having voluntarily retired from the bank's service, is completely in terms of rules and terms & conditions of service and the action of the Management is fully justified.

The workman applicant has filed rejoinder. In his rejoinder he has reieterated the averments of his claim statement and has denied most of the paras of the written statement. The management has also denied most of the paras of the claim statement.

Evidence of both the parties has been taken.

Heard arguments from both the sides and perused the papers on the record.

It was submitted from the side of the workman that he feel sick on 23-01-1991. He did not intimate the Bank regarding the same. The bank sent him notice dated 10-02-1991 and he advised his wife to send leave application along with medical certificate under postal certificate.

It was further submitted that Annexure—1 to 13 are the leave applications supported by medical certificates. The postal receipts are photocopies. The originals of the photocopy receipts have not been filed. It was submitted that the applicant's wife gave it to some counsel audit was lost. No original postal certificate has been annexed with the records. It is admitted by the claimant that he sent application and medical certificate after receiving letter of the bank dated 10-2-1991. So the workman was on unauthorized leave and did not send any application for medical leave prior to receiving the letter of the bank dated 10-2-1991 for explaining his unauthorised absence since 23-1-1991. So the workman was initially absent without any sanctioned leave and he has not sent application regarding his unauthorized absence upto 10-2-1991.

It was further submitted that due to family dispute the plaintiff has to leave his father's address as his father has served all links with him. The workman has furnished his address in the claim the address of his father's house so it appears that he has tried to make a case that he left his father's house for two and half years and he has again gone to his father's house. He has filed a photocopy of his father's declaration regarding severance of all ties. He has not filed original affidavit so the workman has not proved that his relations in 1991 were embittered with his father and he was constrained to leave his father's house and dwel at some other place. He has not stated anywhere as to when he left his father's house and when he again came to reside in his father's house.

It was submitted from the side of the management that he should have sent intimation to the bank regarding change of his address but he has not done so. It implies invariably that he was residing in his father's house. He could not reply to the bank's notice after 9 days of unauthorized absence so he has taken the plea that he has left his father's house.

It was further submitted from the side of the bank that the workman feel sick on 23-1-1991 and he informed the bank on 8-9-1993 regarding his fitness to join duty and he appeared before the Branch Manager for the first time on 21-9-1993 at a lapse of two and half years time.

It was further submitted from the side of the management that this dispute has been raised after a lapse of six years. The workman is estopped from raising this dispute after such a long interregunm. Article 137, Indian Limitation Act is not applicable so delay is not material for entertaining the reference. Delay is material for back wages.

It was further submitted from the side of the workman that the inward Dak register discloses that no medical leave applications have been entered therein. In this way the application for medical leave was sent by the workman and they were not entered in the register. It may be that during that period none would have applied through post office for medical leave. An employee invariably proceeds on leave after its sanction and in rare case without prior sanction. An employee even if he intends to proceed on medical leave gets its leave sanctioned by filing application along with his medical leave in person. So there may not be any entry of any application for medical leave or any other leave.

It was submitted from the side of the management that the workman did not report for duty when 30 days notice was issued to him after his 90 days absence. A letter dated 23-04-1991 was sent to him asking him to resume duty but he did not report for joining duty and he did not give satisfactory explanation to that notice.

It was further submitted from the side of the bank that Clause-17 is a mutual agreement between the bank and its federation and both the parties have to abide by the settlements. Clause-17 stipulates that if after 90 days of unauthorised absence a notice for explanation for absence and for reporting duty is sent and no reply is received from the side of the workman and he does not report for duty, the bank is authorized to treat the workman voluntary retired. In this case the bank issued letter of voluntary retirement on 5-9-1991. in view of non-compliance with 30 days notice dated 23-4-1991. A notice was sent to the address of the workman but still he did not report for duty. He reported for duty on 8-9-1993 after a lapse of almost two years from the service of 30 days notice.

It was submitted from the side of the bank that in case a notice is returned with the endorsement refused it will imply that the employee has no intention to join duty in the bank and he has taken some other avocation and he has voluntarily abundoned his service.

It was further submitted that in Para 18 of agreement it has been provided that the absence will not amount to desertion in case the employee has sent intimation to the bank. The bank has to initiate inquiry for punishing the workman for his misconduct. According to Para 18 the workman is required to send a notice to the management and he has to intimate the management regarding his absence and he should have filed leave applications.

In the instant case it is admitted that the workman unauthorisedly absented himself on 23-1-1991 and he sent medical application in February, 1991. He has filed photocopies of postal receipts. The initial burden is on the workman to prove that he has sent intimation to the bank regarding his unauthorised absence and he has sent medical certificates. The photocopeis of postal receipts are not sufficient to prove that he has sent intimation to the bank regarding his absence.

The applicant has filed several photocopy certificates of posting but these are not admissible in evidence. By merely saying that the original are lost it cannot be gathered that the workman has proved that he sent intimation to the bank regarding his unauthorised absence.

It was submitted from the side of the workman applicant that he was suffering from mental disease so he could not attend duty. Photocopies of medical certificate of Dr. Vijay Kumar Vats, MBBS has been filed for the entire period of over two and half years. In photocopies of certificate there is no diagnosis of the disease. It is not legible as to of what disease the workman was suffering.

It was submitted from the side of the management that in case the workman was suffering from some mental ailment then he could have approached a Pyschiatrist.

Dr. Vijay Kumar Vats has furnished him certificate all along but he has not mentioned the disease of which he was giving treatment. It cannot be believed that a person will suffer from mental disease for over two and half years and he will get him treated from an MBBS Doctor. In case the workman was suffering he would have got himself treated by a mental specialist in natural course.

It was further submitted that no prescription, no pathological report, no X-ray report has been annexed with the records. If Vijay Kumar Vats was Doctor who provided treatment to the workman, he must have given some prescription. No receipt regarding purchase of any medicine, no pathology report has been submitted.

It was further submitted from the side of the management that the case has been made out after 5—6 years and medical certificate has been procured by a Doctor which could not be examined in the Tribunal to certifiy the fact that medical certificate has been issued by him.

It was further submitted from the side of the management that the workman has filed on record photocopy receipts of UPC. It cannot be presumed that in natural course every time applications and medical certificates are sent through UPC of which there cannot be any record in the postal department. The original receipts have not been produced. If the original postal receipts are received or lost cogent and reliable evidence should be produced but the workman has not done so.

It was further submitted that there is no cogent and reliable proof of the loss of the original. Photocopies have been manufactured and concocted to make out the case. It was further submitted that the workman was voluntarily retired in 1991 and he has raised this dispute in 1999 after a long gap of 8 years and he could not justifiy in his claim statement as to under what circumstances there has been such a long delay. Evidence produced by the workman does not inspire any confidence. No reliance can be placed on photocopies.

The workman remained absent for two and half years and he has not filed even photocopies of medical certificates which indicate that he was suffering from major ailments. It can be inevitably gathered in such circumstances that the workman has taken some other avocation and he was not willing to join duty. The Conduct of the workman constitutes abundonment and there is total and complete.

Giving up of duties. It sends a signal that workman has no intention to resume his duties. In the facts and circumstances of the case abundonment or relinquishment of service is provided by the facts and circumstances attaining in this case and by conduct of the workman. He has not adduced adequate evidence to prove his long illness and his intention to resume duty. The bank has rightly acted in view of JT (2000) 5 SCC and 2001—I—LLJ 174. This case law is squarely convered by the law cited above and he is not entitled to any relief as prayed for. The law cited by the workman applicant is not applicable in the present facts and circumstances of the case.

The reference is replied thus :—

The action of the Management of State Bank of India in terminating the services of Shri Jasbir Singh, Clerk-cum-typist is just fair and legal. The workman applicant is not entitled to get any relief as prayed for.

Award is given accordingly.

dated 5-4-2006 R. N. RAI, Presiding Officer

नई दिल्ली, 13 अप्रैल, 2006

का. आ. 1751.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार हाडौती क्षेत्रीय ग्रामीण बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण कोटा के पंचाट (संदर्भ संख्या 12/1993) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-4-2006 को प्राप्त हुआ था।

[सं. एल-12012/18/1993-आई आर (बी-I)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 13th April, 2006

S.O. 1751.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (12/1993) of the Industrial Tribunal, Kota now as shown in the Annexure, in the industrial dispute between the employers in relation to the Management of Hadoti Kashetriya Gramin Bank and their workmen, which was received by the Central Government on 13-04-2006.

[No. L-12012/18/1993-IR (B-I)]

AJAY KUMAR, Desk Officer

अनुबन्ध

न्यायाधीश, औद्योगिक न्यायाधिकरण/केन्द्रीय/कोटा/राजस्थान

पीठासीन अधिकारी : के. के. गुप्ता, आर. एच. जे. एस.

रेफ्रैन्स प्रकरण क्रमांक: औ. न्या./केन्द्रीय/12/93

दिनांक स्थापित: 19-4-1993

प्रसंग भारत सरकार, श्रम मंत्रालय, नई दिल्ली के आदेश संख्या एल-12012/18/1993-आई. आर. (बी-1) रैफ्रेन्स अन्तर्गत धारा 10(1)(घ) औद्योगिक विवाद अधिनियम, 1947

मध्य

रामस्वरूप पुत्रश्री चतुर्भुज, निवासी ग्राम बड़वा जिला बारा .....प्रार्थी श्रमिक

एवं

प्रबन्धक, हाड़ौती क्षेत्रीय ग्रामीण बैंक, प्रधान कार्यालय 9-ए बी, झालावाड़ रोड़, कोटा .....अप्रार्थी नियोजक

उपस्थित

प्रार्थी श्रमिक की ओर से प्रतिनिधि .....श्री सी.बी. सोरल

अप्रार्थी नियोजक की ओर से प्रतिनिधि .....श्री एम. सी. गुप्ता

अधिनियम दिनांक : 28-3-2006

अधिनिर्णय

भारत सरकार, श्रम मंत्रालय नई दिल्ली के उक्त प्रसांगिक आदेश द्वारा निम्न रेफ्रैन्स, औद्योगिक विवाद अधिनियम, 1947 (जिसे तदुपरान्त "अधिनियम" से सम्बोधित किया जायेगा (की धार 10) (1) (घ) के अन्तर्गत इस न्यायाधिकरण को अधिनिर्णयर्थ संप्रेषित किया गया है :-

> "Whether the claim of Shri Ram Swaroop that he worked with Hadoti Kashetriya Gramin Bank from 16-4-84 to 16-6-88 as Class IV employee is correct? If so, whether the action of the management of Hadoti Keshetriya Gramin Bank in terminating his services w.e.f. 17-6-1988 is legal and justified? If not, to what relief the workman is entitled to and from which date?"

2. रेफैन्स, न्यायाधिकरण में प्राप्त होने पर (पंजीबद्ध उपरान्त पक्षकारों को सूचना विधिवत रूप में जारी की गयी।

3. प्रार्थी रामस्वरूप की ओर से क्लेम स्टेटमैंट प्रस्तुत कर संक्षेप में यह अभिकथित किया गया है कि वह अप्रार्थी नियोजक के अधीन शाखा प्रबन्धक हाड़ोती क्षेत्रीय ग्रामीण बैंक शाखा बड़वा जिला बारा में दिनांक 16-6-1984 से 16-6-1988 तक चतुर्थ श्रेणी कर्मचारी के पद पर कार्यरत हुआ था, परन्तु उसे दिनांक 17-6-1988 की प्रात: से काम करने से मना कर दिया गया और उसकी सेवाएं 17-6-1988 से गैरकानूनी रूप से समाप्त कर दी गयी। प्रार्थी को कार्य से हटाने से पूर्व नियमानुसार कोई नोटिस अथवा नोटिस वेतन व छंटनी मुआवजा नहीं दिया गया। प्रार्थी की छंटनी के समय उससे कनिष्ट व्यक्ति कार्यरत थे तथा छंटनी के उपरान्त भी कई श्रमिक दुर्गाराम यादव, रामप्रसाद, हेमराज व लालचन्द आदि को नौकरी पर लगाया गया, परन्तु प्रार्थी को पुन: नियोजन का अवसर नहीं दिया गया। इस प्रकार अधिनियम की धारा 25-एफ.जी.एच. के प्रावधानों का उल्लंघन किया गया है। प्रार्थी सेवा से हटाये जाने उपरान्त बेरोजगार चला आ रहा है। अन्त में प्रार्थना की गयी है कि उसे उक्त प्रकार से सेवा से हटाया जाना अनुचित एवं अवैध घोषित करते हुए पिछले सम्पूर्ण वेतन व समस्त लाभों सहित सेवा में पुर्नस्थापित किये जाने का अनुतोष प्रदान किया जावे।

4. अप्रार्थी नियोजक की ओर से उक्त क्लेम का जवाब प्रस्तुत करते हुए यह प्रतिवाद किया गया है कि प्रार्थी से दिनांक 12-6-1985 से 8-12-1985 तक की अवधि में कुल 140 दिन ही अस्थायी अंशकालीन दैनिक वेतन भोगी के रूप में कार्य करवाया गया है जिसका वेतन यथासमय बैंक से प्राप्त किया है। चूंकि प्रार्थी की छंटनी नहीं की गयी, अंत: वह कोई मुआवजा व नोटिस अथवा नोटिस वेतन पाने का अधिकारी नहीं है। अन्तिमवार प्रार्थी 8-12-85 को अपनी सेवाएं देने के बाद उपस्थित नहीं हुआ है। विशेष कथन में यह अभिकथित किया गया है कि प्रार्थीद्वारा लम्बी अवधि उपरान्त विवाद उठाना स्वयं द्वारा नियोजन परित्याग करने की परिभाषाओं में आता है। प्रार्थी ने एक कलैण्डर वर्ष में 240 दिन तक काम नहीं किया है। इसलिये वह अधिनियमान्तर्गत कोई सहायता प्राप्त करने का अधिकारी नहीं हैं स्टेटमेन्ट आफ क्लेम प्रार्थी निराधार होने से सव्यय निरस्त किया जावे।

5. पत्रावली के अवलोकन से प्रकट होता है कि प्रार्थी की ओर से अपनी साक्ष्य में स्वयं का शपथ-पत्र दिनांक 28-10-2002 को प्रस्तुत किया गया था और उसे जिरह के लिए उपस्थित होने हेतु कई अवसर दिये गये थे। तदुपरान्त 6-3-2006 को अन्तिम अवसर देते हुए 27-3-2006 नियत की गयी परन्तु प्रार्थी अपनी जिरह हेतु साक्ष्य में उपस्थित नहीं हुआ इस पर प्रार्थी प्रतिनिधि ने यह प्रकट किया कि वो अपनी ओर से कोई साक्ष्य पेश नहीं करना चाहते है और अपनी साक्ष्य समाप्त करते हैं। अत: प्रार्थी का शपथ-पत्र साक्ष्य में ग्राह्य यौग्य नहीं है। अप्रार्थी प्रतिनिधि की ओर से भी, अभिलेख पर प्रार्थी की कोई साक्ष्य रिकार्ड नहीं होने के कारण कोई साक्ष्य प्रस्तुत नहीं करना प्रकट किया गया।

बहस पक्षकारों की सुनी गयी व पत्रावली का ध्यानपूर्वक अवलोकन किया गया। प्रार्थी की ओर से क्लेम स्टेटमेन्ट में वर्णित तथ्यों की सम्पुष्टि में किसी प्रकार की कोई साक्ष्य प्रस्तुत नहीं की गयी है, ऐसी स्थिति में उसका क्लेम पूर्णतया अप्रमाणित रहा है निष्कर्षत: अप्रार्थी नियोजक द्वारा प्रार्थी श्रमिक को दि. 17-6-88 से सेवा से हटाया जाना अनुचित एवं अवैध नहीं है और वह अधिनियमान्तर्गत किसी प्रकार का कोई अनुतोष प्राप्त करने का अधिकारी नहीं है तथा सम्प्रेषित रेफ्रेन्स को इसी प्रकार अधिनिर्णित कर उत्तरित किया जाता है।

के. के. गुप्ता, न्यायाधीश

नई दिल्ली, 13 अप्रैल, 2006

का.आ. 1752.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आर्मी स्कूल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय, अजमेर के पंचाट (संदर्भ संख्या सीआईटीआर-5/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-4-2006 को प्राप्त हुआ था।

[सं. एल-14012/75/2002-आई आर (डीयू)]
सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 13th April, 2006

S.O. 1752.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. CITR-5/2003 of the Industrial Tribunal, Ajmer as shown in the Annexure, in the industrial dispute between the management of Army School, 19, B.1 Line, and their workmen, received by the Central Government on 13-4-2006.

[No. L-14012/75/2002-IR (DU)]
SURENDRA SINGH, Desk Officer

अनुबन्ध

न्यायालय श्रम न्यायालय, एवं औद्योगिक न्यायाधिकरण, अजमेर

सीआईटीआर नं. 5/03

[रेफरेंस संख्या एल-14012/75/02 (आई.आर. (डीयू)
दि. 17-4-03]

श्रीमती नर्बदा देवी पत्नी श्री पूरनचंद 2893/5, मौहल्ला कहार, नसीराबाद जिला अजमेर

—प्रार्थिया/श्रमिका

बनाम

1. अध्यक्ष, आर्मी स्कूल, 19, बी. 1, लाईन, (अजमेर) नसीराबाद जिला अजमेर
2. प्रिंसीपल, आर्मी स्कूल, 19, बी.1, लाईन, (अजमेर) नसीराबाद जिला अजमेर

—अप्रार्थी/नियोजकगण

समक्ष: श्री जी.एस. शेखावत आर एच जे एस

प्रार्थी की ओर से : श्री बल.एल. सेवरिया अधिवक्ता प्रार्थिया

अप्रार्थी की ओर से : श्री ओ.पी. मंगल अधिवक्ता अप्रार्थी

अवार्ड

दि. 4-3-06

केन्द्र सरकार द्वारा प्रेषित विवाद इस प्रकार है कि :—

"Whether the action of the management of Chairman/Principal, Army School Nasirabad Dist. Ajmer in dismissing Smt. Narbada Devi W/o Sh. Pooran Chand Ex. Aya from Service w.e.f. 12-7-2002 is just and legal? If not to what relief the concerned workman is entitled to?"

प्रार्थिया को रेफरेंस प्राप्त होने पर जरिये नोटिस तलब किया गया जिस पर प्रार्थिया ने अपनी ओर से स्टेटमेंट आफ क्लेम प्रस्तुत कर कथन किया है कि उसकी नियुक्ति 1-11-83 को बेटलएक्स मोनटैसरी स्कूल नसीराबाद में सचिव चेयरमेन आर्मी वेलफेयर एज्युकेशन सोसायटी एवं स्कूल के मेनेजिंग कमेटी नसीराबाद द्वारा रुपये 85 प्रति माह पर आया के पद पर गई थी। प्रार्थिया को अपने कार्य के संतोषजनक होने सम्बन्धी प्रमाण पत्र भी जारी किये गये। प्रार्थिया को अप्रार्थी द्वारा दिनांक 11-3-98 को स्थाई कर दिया गया। प्रार्थिया को अप्रार्थी द्वारा दिनांक 12-7-2002 से 3 माह का नोटिस देकर सेवाएं समाप्त कर दी गई। प्रार्थिया ने अपनी सेवामुक्ति के पश्चात् अप्रार्थी से पुन: सेवा में लिये जाने का निवेदन किया किन्तु उसे कहा गया कि आपके प्रार्थना पत्र पर पुर्नविचार किया जावेगा किन्तु उसे पुन: नियुक्ति ऐसे नहीं देने के कारण प्रार्थिया को मजबूर होकर इस न्यायालय में श्रम विवाद समझौता अधिकारी के जहां नियमानुसार कार्यावाही करते हुए प्रस्तुत करना पड़ा है। प्रार्थिया ने आगे कथन है कि उसे दिनांक 12-7-2002 से सेवा में निरंतरता कायम करते हुए पुन: सेवा में बहाल किया जावे और मुकदमें खर्चे की भी मांग इस न्यायालय से की गई है।

अप्रार्थी की ओर से जरिये नोटिस तलब करने पर जवाब प्रस्तुत कर कथन किया है कि उसका वर्तमान में बेटल एक्स मोंटेसरी स्कूल से कोई सम्बन्ध नहीं है। प्रार्थिया को सेवा पृथक करने से पूर्व औद्योगिक विवाद अधिनियम 1947 के आवश्यक सिद्धांतों की पूर्ण पालना कर ली गई है। आगे कथन किया गया है कि उनके द्वारा प्रार्थिया को कभी स्थाई नहीं किया गया है। प्रार्थिया को दुराचरण के लिये पूर्व में चेतावनियां दी गई थी। अप्रार्थी की ओर से अपने जवाब में यह भी एतराज लिया गया है कि भारत सरकार की सम्प्रभुता की शक्तियों और अधिकारों के अन्तर्गत रखा मामलों से सम्बन्धित कार्य क्षेत्र में फौजी जवानों व कर्मचारियों के बच्चों के कल्याण के लिये आर्मी स्कूल स्थापित संस्था है जो कि उद्योग की परिभाषा में नहीं आती है। इसके कर्मचारी सम्बन्धी विवाद भी औद्योगिक विवाद नहीं होते हैं एवं इस पर औद्योगिक विवाद अधिनियम 1947 लागू नहीं होता है। आगे कथन किया है कि स्कूल के द्वारा नर्सरी, एल.के.जी. व यू.के.जी. कक्षाओं के लिये 6 आयाओं की आवश्यकता थी किन्तु वर्ष 2002 में केवल यू.के.जी. कक्षा चल रही थी जो भी बंद कर दी गई है अत: कक्षाएं बंद हो जाने से प्रार्थिया की सेवा की आवश्यकता ही नहीं रही। अत: प्रार्थिया की सेवा समाप्ति का आदेश दिनांक 12-4-2002 विधिवत है। प्रार्थिया के कलेम को सव्यय निरस्त करने की प्रार्थना की है।

प्रार्थिया की ओर से स्वयं का शपथ प्रस्तुत कर प्रतिपरीक्षा करवाई है। प्रलेखीय साक्ष्य में प्रदर्श डब्ल्यू-1 से 16 प्रलेखों की प्रतियां प्रदर्शित करवाकर प्रस्तुत की गई है। प्रतिपक्षी की ओर से प्रिंसिपल श्रीमती इन्दु रावत का शपथ पत्र प्रस्तुत कर प्रति परीक्षण करवाया है। अप्रार्थी की ओर से प्रलेखीय साक्ष्य में दस्तावेजात प्रदर्श एम-1 से प्रदर्श एम-4 प्रदर्शित करवाकर प्रस्तुत किये हैं।

प्रार्थिया के विद्वान अभिभाषक ने निम्नांकित दृष्टांत पेश किये हैं :—

1. 1994 (1) डब्ल्यू एल एन 235

2. 2003 (3) आर एल आर 288
3. 2003 (3) आर एल आर 548
4. 1999 (2) आर एल आर 617
5. 2005 (1) एस सी एस एल आर 461
6. 2003 ए आई आर सुप्रीम कोर्ट 3553
7. 2005 (1) एस सी एस एल आर 563
8. 2004 एल आई सी (बांबे) 2505
9. 1978 ए आई आर एस सी 548
10. 1989 ए आई आर एस सी 88
11. 2004 एल आई सी एन ओ सी 2 (देहली)
12. 1999 (1) आर एल आर 250

प्रतिपक्षी के विद्वान अधिवक्ता द्वारा निम्नांकित दृष्टांत प्रस्तुत किये हैं :–

1. 2003 (4) आर एल डब्ल्यू एस सी 547

मैंने उक्त दृष्टांतों का ससम्मान अध्ययन कर लिया है।

मैंने उभय पक्ष की बहस सुनी और पत्रावली का ध्यानपूर्वक अवलोकन कर लिया है।

यह स्वीकृत तथ्य है कि प्रार्थिया ने अप्रार्थी के अधीन आया के रूप में दिनांक 1-11-1983 से 12-7-2002 तक कार्य किया है। इस प्रकार यह विवादित नहीं है कि प्रार्थिया ने एक कलेण्डर वर्ष लगातार 240 दिन से अधिक कार्य किया है। प्रार्थिया को अप्रार्थी द्वारा स्थाई भी कर दिया था यह भी विवादित नहीं है। अप्रार्थी की ओर से अपने जवाब दावे में यह अभिकथन लिया गया है कि एल के जी कक्षाएं बंद होने से प्रार्थिया के कार्य की आवश्यकता नहीं रही है जबकि प्रतिपक्षी की ओर से गवाह श्रीमती इन्दु रावत ने जिरह में कथन किया है कि प्रार्थिया को चेतावनी दी गई थी किन्तु उसे कोई आरोप पत्र नहीं दिया गया था। प्रार्थिया को कोई मुआवजा नहीं दिया गया था यह भी स्वीकृत तथ्य है। अप्रार्थी के इस गवाह ने यह भी कथन किया है कि उन्होंने प्रार्थिया को सेवापृथक करने से पूर्व कोई वरिष्ठता सूची जा नहीं दी थी। इस प्रकार अप्रार्थी ने औद्योगिक विवाद अधिनियम 1947 की धारा 25-एफ व 25-जी का उल्लंघन किया है। स्कूल बंद करने या एल.के. जी. व यू.के.जी. कक्षायें बंद करने के संबंध में सक्षम प्राधिकारी की कोई स्वीकृति नहीं ली। न ही कोई इस सम्बन्ध में कोई नोटिफिकेशन ही जारी किया गया है।

यह भी स्वीकृत तथ्य है कि प्रतिपक्षी आर्मी स्कूल "उद्योग" की श्रेणी में आती है। प्रार्थिया के विद्वान अभिभाषक द्वारा प्रस्तुत दृष्टांत ए आई आर 1989 एस.सी. 88 के अनुसार यह सुस्थापित विधि है कि आर्मी वेलफेयर एज्यूकेशनल सोसायटी "राज्य" की परिभाषा में आती है। प्रतिपक्षी आमी स्कूल का संस्थान है। जो अध्यापन का कार्य करती है और प्रतिपक्षी के यहां प्रार्थिया आया के पद पर कार्यरत थी और उसने 19 वर्ष की सेवा भी पूर्ण कर ली थी। इस प्रकार प्रार्थिया वर्कमेन की परिभाषा में (कर्मकार की परिभाषा) से आती है। स्कूल चलाना और अध्यापन का कार्य करना राज्य की संप्रभुत्व शक्तियों में नहीं माना जा सकता है। अप्रार्थी संस्थान का एक ओर तो यह कथन है कि उसने प्रार्थिया को एल.के.जी की कक्षायें बंद होने के कारण सेवापृथक कर दिया और दूसरी ओर से यह कथन भी किया है कि प्रार्थिया को उसके दुराचरण के लिये चेतावनियां भी दी जाती रही है। प्रार्थिया को सेवापृथक करने से पूर्व ना तो उसे नियमानुसार धारा 25-एफ के तहत छंटनी मुआवजा ही दिया है और ना ही उसे सेवापृथक करने से पूर्व धारा 25-जी के तहत वरिष्ठता सूची जारी की गई है। इस प्रकार मेरे विनम्र मत में प्रार्थिया संपूर्ण वेतन भत्तों सहित सेवा में पुनर्स्थापित किये जाने योग्य है।

आदेश

फलतः प्रस्तुत विवाद का उत्तर इस प्रकार से दिया जाता है कि चेयरमैन/प्रिंसिपल आर्मी स्कूल, नसीराबाद जिला अजमेर द्वारा प्रार्थिया श्रीमती नर्वदा देवी पत्नी श्री पूरनचंद को दिनांक 12-7-2002 से सेवा समाप्ति का आदेश अवैध एवं अनौचित्यपूर्ण है। अतः आदेश दिनांक 13-4-2002 को एतद्द्वारा अपास्त किया जाता है प्रार्थिया को आया के पद पर दिनांक 12-7-02 से संपूर्ण वेतन भत्तों सहित पुनर्स्थापित किया जाता है। प्रतिपक्षी इस आदेश की पालना तीन माह में करें।

जी.एस. शेखावत, न्यायाधीश

नई दिल्ली, 13 अप्रैल, 2006

का.आ. 1753.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ग्रुप कमांडेंट, एन.सी.सी. ग्रुप हैडक्वार्टर्स, मैंगलौर के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, बैंगलौर के पंचाट (संदर्भ संख्या 57/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-4-2006 को प्राप्त हुआ था।

[सं. एल-14012/6/2001-आई आर (डीयू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 13th April, 2006

S.O. 1753.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 57/2001 of the Central Government Industrial Tribunal-cum-Labour Court, Bangalore as shown in the Annexure in the industrial dispute between the employers in relation to the management of Group Commander, NCC Group Headquarters, Mangalore and their workman, which was received by the Central Government on 13-4-2006.

[No. L-14012/6/2001-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated : 14th March, 2006

PRESENT

Shri A. R. Siddiqui, Presiding Officer

C. R. No. 57/2001

I PARTY

Shri V. H. Dinesh,
S/so. Shri V. S. Helgowda,
Major, Vagige,
Via Nelegahalli Post,
Sakleshpur Taluk,
Distt. Hassan,
HASSAN-573201

II PARTY

The Group Commander,
NCC Group Headquarters,
Goveas Complex,
Valencia, Kankanady Post,
MANGALORE-575002

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-14012/6/2001/IR(DU) dated 11th July 2001 for adjudication on the following schedule :

SCHEDULE

"Whether the action of the management of Group Commander, NCC Group Headquarters, Mangalore in terminating the services of Shri V. H. Dinesh w.e.f. 31-1-2001 is legal and justified ? If not, to what relief the workman is entitled ?"

2. The case of the first party workman, as made out, in the Claim Statement, to put in nutshell is that he was appointed as Helper by the management on 18-12-1995 with appointment order dated 14-1-1996 in the pay scale of Rs. 600-40-920 and his services were continued for a period of 4 years when he came to be terminated w.e.f. 31-1-2000; that his appointment initially was on temporary basis but he was working against the existing vacancy discharging duties of regular employee; that during the period of his service the management issued several terminal notices and ultimately terminated his services on 31-1-2000 without any notices or any compensation being paid to him as contemplated under Section 25F of the ID Act; that he had satisfied the concept of Section 25B of ID Act and therefore, the order of termination amounts to illegal retrenchment as defined under Section 2(oo) of the ID Act beside the action of the management being in utter and gross violation of principles of natural justice; that in the light of the recent judgment of the Hon'ble Suppreme Court, the employees working in the canteen under the Second Party are also to be the employees of the Govt. of India; that the mandatory provisions of ID Act are not followed terminating his services, and thereby putting him and his family members to great financial hardship, mental agony and his efforts to get alternative employment have ended in failure. Therefore, he requested this tribunal to pass an award setting aside the above termination order with reinstatement along with other consequential benefits.

3. The management by its Counter Statement interalia contended that the dispute raised by the first party is not maintainable and this court has no jurisdiction to entertain such frivolous claim. It contended that the management is the part of the Union of India and doing Sovereign functions in the interest of public at large; that the management engaged the services of the first party as a Helper in the unit run canteen by order dated 4-1-96 but the first party without assigning any reason voluntarily left the service. He once again made an application and it being considered he was once again engaged in the service on a consolidated payment of Rs. 1000/- per month making it clear to him that he cannot claim regularization; that from the very date of appointment the work of the first party was not satisfactory resulting into several warning letters given to him. During the course of employment he caused heavy damages to the canteen belonging to the management; that there is no provision in the management canteen to engage permanent employees as there is no permanent post. Therefore, keeping in view the unsatisfactory work of the first party, he was disallowed to continue in service by following the procedure giving service benefits through bank DD. The management denied the case of the first party that he worked against an existing vacancy discharging permanent nature of the work and his services were unblemished. Lastly, the management contended that the ratio applied by the Apex Court in the decision of the Supreme Court referred by the first party is not applicable to the facts and circumstances of the present case and therefore, reference is liable to be rejected.

4. The management in order to justify its action in terminating the services of the first party examined one witness as MW1 filing his affidavit evidence by way of Examination Chief and in his further Examination Chief got marked above said warning letters at Ex. M1 series and the letter dated 25-2-2002 where under dues of the first party were settled at Ex. M2. In his affidavit MW1 has just repeated the several contentions taken by the management in their Counter Statement and therefore, need not be once again brought on record. In his cross examination he stated that his affidavit is based on records and he has no personal knowledge about the termination of the services of the first party. He was unable to say the misconduct alleged in the aforesaid letters at Ex.M1 series and they are nothing to do with the first party doing the work of helper. It was elicited that there was some enquiry conducted against the first party by the Board of Officers of the Group, Head Quarter, Managalore and there is an enquiry report by the Board but it is not produced in the Court. He admitted that he is not aware of any notice of enquiry served upon the first pary before holding the enquiry. He denied the suggestion that there was no such enquiry conducted against the first party. He admitted that as per appointment letter at Ex. W1, 30 days notice has to be issued before termination of the services. He stated as per Ex. M2 Provident Fund dues are settled. He denied the suggestion that above said warning letters were concocorted for the purpose of this case.

5. Likewise, first party has filed an affidavit evidence by way of examination chief reiterating the various averments of his Claim Statement. Therefore, not to be

once again repeated. In his further examination chief he had spoken to the letter of appointment at Ex. W1 and the letter terminating his services at Ex. W2. In his cross examination he denied the suggestion that he was refused work by the management along with four to five other workers and was taken back in service their being work available and whereas others were not allowed to work. He denied the suggestion that he was taken in service subsequently on a monthly payment of Rs. 1000/-. He denied the suggestion that he was not working properly and has been warned some times for falling short of certain food items and that there were no permanent post in the Canteen and at present is no work of Helper in the management Canteen.

6. Both Counsels representing the Management and the first party have submitted their Written arguments almost in the line of the contentions taken by them in their respective pleadings. The management in their written arguments as well as learned counsel representing the management in his oral arguments have raised the point of law contending that this tribunal has no jurisdiction to entertain the present reference in the light of the unreported decision in Civil Writ Petition No. 12654/93 in Sarasamma Vs. Union of India rendered by Punjab and Haryana High Court. Learned counsel also produced an unreported decision of our Hon'ble High Court in Writ Petition No. 16586/93 and a Xerox copy of the order passed by CAT, Bangalore. His contention was that the main object of the canteen is to provide canteen facility only to Army Personnel and not to public at large and that the canteen was not constituted under any statute or rules and therefore, the provisions of ID Act do not apply to the present case.

7. Whereas, learned counsel for the first party to meet the above said contention of the management has produced a copy of the 'Decan Herald' newspaper dated 1-8-2001 reporting a decision of their Lordship of Supreme Court, wherein it was held that "the canteen stores department forms a part of consolidated fund of India and the said canteen stores department which provides funds as well as different articles through the retail outlets of unit run conteens, and therefore, the employees who discharge the duties of salesmen in such retail outlets must be held to be employees under the Govt. of India". It was further observed that the employees of the unit run canteen of the defence services are Govt. servants entitled to all benefits. Therefore, taking support of the said decision, learned counsel submitted that the present reference is maintainbale. Now, therefore, in the light of the above, before going to the merits of the case, I would like to first consider the pereliminary objection raised by the management that this tribunal has no jurisdiction to entertain the present reference.

8. After having gone through the decision of Punjab and Haryana High Court and the decision of our Hon'ble High Court, the order passed by the CAT, Banglaore and the aforesaid newspaper cutting, I am of the opinion that this court has no jurisdiction to entertain the present reference as first party in this case does not fit in the definition of "workman" as defined under Section 2(s) of the ID Act so as to attract the other provisions of the said act, he being not the servant or employee under the public sector undertaking or a Govt. of India undertaking. Relying upon the aforesaid unreported decision of Punjab and Haryana High Court in the case of Sarasamma and taking into consideration the principle laid down by their Lordship of Supreme Court in Shri Anadi Sadguru S.M.V.J.M.S. Trust Vs. Rudrani reported in 1989 SC 1607. His Lordship of our Hon'ble High Court in the decision referred to supra made the following observations at paras 12,13 and 14 of the said decision.

> "The question to be considered now would be as a to whether, in the light of the decision in Rudrani's case, it will be permissible and appropriate to issue writ of mandamus. The Apex Court in Rudrani's case laid stress on the nature of duties imposed upon the body or on the functions being discharged by the body and not on the form of body. In case the nature of the duty being discharged can be said to be of a public nature, the court has held that the mandamus cannot be denied on the ground that the duty to be enforced is not imposed by the statute, since mandamus is of very amplitude which must be easily available to reach injustice wherever it is found technicalities should not come in the way of granting relief under Art. 226 of the Constitution. Judicial control over the vast expanding maze of bodies affecting the rights of the people should not be put into water right compartment. In the instant case, there is nothing on record even to suggest, even though the responent canteen is a private body, it has been constituted with the Aim and object of performing public duty. In my opinion since the Central Govenment has no administrative control and no finances are made available and since the respondent canteen has no public duty to perform no mandamus can be issued to the respondent canteen to reinstate the Petitioner into service with effect from the date of termination with all consequential service and monetary benefits.
>
> Now coming to the merits of the case, petitioner is seeking an order to quash the order of termination dated 15-2-1993 by first respondent and further for a direction to reinstate him in to service, solely on the ground, that the impugned order is violative of principle of natural justice, having been passed without holding any enquiry. In my view, since petitioner is seeking to enforce private contract against a private organization,

even if it is found that the impugned order is wrongful, no order could be made which might have the effect of reinstatement into service, since the dismissed employees would be entitled to claim a decree for damages before an appropriate forum.

In the result, petition deserves to be dismissed. Accordingly, it is dismissed as respondent-canteen is not amenable to writ jurisdiction. In the facts and circumstances of the case, parties are directed to bear their own costs. Ordered accordingly.

9. Therefore, in the light of the above observations it can be safely held that Central Government has no administrative control and no finances are made available and since the canteen has no public duty to perform the petitioner in the said case was refused to be granted relief of reinstatement when he challenged the order of termination while working in the canteen of the management. It was also made clear that the Petitioner in the said case was seeking to enforce the private contract against a private organization and therefore, was not entitled to the relief of reinstatement and even if the order of termination was held to be wrongful he could not have got the relief of reinstatement but to claim a decree for damages before an appropriate forum. Similar was the view taken by CAT, Bangalore in the above referred order and the observations made by it at para 6 are as under :—

'Having considered the arguments advanced from both sides on the preliminary objection raised by the counsel for the respondents we have no alternative but to follow the decision of the Full bench dated 9-7-1997 wherein it is held that this tribunal has no jurisdiction to hear the grievance of the employees of the Unit run canteens. Accordingly, we hold that we have no jurisdiction to hear the grievances of the applicants in this application. Accordingly, this application is dismissed with no order as to costs."

10. Therefore, as per the above said decision of our Hon'ble High Court the employees working in the management canteen will be the employees under private agency and therefore, cannot enforce private contract and therefore was seeking to enforce private contract against the private organization and not against the Govt. of India or Govt. of India Undertaking (Public Sector Undertaking). As per the orders of the CAT, Bangalore the employees of the unit run canteen were not Central Government servants and therefore, could not get any relief from the said forum as it had no jurisdiction to entertain the grievances of the employees of the unit run canteens. Therefore, in the light of the aforesaid decisions, this tribunal has no alternative but to come to the conclusion that the first party who was the employee of the unit run canteen was not the employee under the public sector undertaking or the Central Government and therefore, cannot seek the protection and the relief under the provisions of the ID Act. The present reference also cannot be maintained by the first party even if we go by the principle laid down by their Lordship of Supreme Court in the decision reported in the above said newspaper. in the said case the Petitioners who were the employees of the unit run canteen claiming the status of government employees had succeeded to get the relief before the Administrative Tribunal Bench of Bombay and Jabalpur. The management had challenged the orders of the said Administrative Tribunal before the Supreme Court on the ground that Petitioners were not the Government employees and the tribunal had no jurisdiction to entertain them. Their Lordships while affirming the orders of the tribunal held that the above said employees of the unit run canteens were Government servants and were entitled to all benefits. Therefore, if we proceed on the assumption that the first party in this case being the employee under unit run canteen of the management is a Central Government servant as per the decision of their Lordship of Supreme Court referred to supra, then, again the remedy for the first party lies somewhere else and not before this tribunal. This tribunal under the provisions of ID Act has got no Jurisdiction to entertain the dispute raised by the Govt. of India employee and in the result it has no option left but to hold that the present reference suffers from want of rurisdiction before this tribunal and therefore, must fail. However, a liberty is given to the first party to raise his dispute before a proper forum. Hence the following award.

AWARD

The reference stands dismissed for want of jurisdiction. no costs.

(Dictated to PA transcribed by her corrected and signed by me on 14th March 2006)

A. R. SIDDIQUI, Presiding Officer

नई दिल्ली, 13 अप्रैल, 2006

का.आ.1754.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अरनाकुलम के पंचाट (संदर्भ संख्या 8/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-4-2006 को प्राप्त हुआ था।

[सं. एल-40011/11/2005-आई आर (डीयू)]

सुरेन्द्र सिंह, डैस्क अधिकारी

New Delhi, the 13th April, 2006

S.O. 1754.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 8/2005) of the Central Government Industrial Tribunal-cum- Labour Court, Ernakulam as shown in the Annexure, in the industrial dispute between the employers in relation to the

management of Department of Telecom and their workmen, which was received by the Central Government on 13-04-2006.

[No. L-40011/11/2005-IR (DU)]
SURENDRA SINGH, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ERNAKULAM

PRESENT: Shri P. L. Norbert, B.A., ll.B., Presiding, Officer

(Friday the 31st day of March, 2006/10th Chaitra 1928)

I.D. 8 of 2005

Workmen/Union	:	The General Secretary BSNL Personal Staff Association (Regd) E-502, Praney Nagar, Ram Mandir Road Extension, Borivli, Mumbai.
Management	:	The Chief General Manager Telecom, BSNL, Kerala Telecommunication, Kerala State Thiruvananthapuram-695 033.

AWARD

This is a reference made by Central Government under Section 10(1)(d) and (2A) of Industrial Disputes Act, 1947 to this court for adjudication. On notice both sides entered appearance and filed their pleas.

2. According to the claimant BSNL Personal Staff Association, Stenographers in BSNL are eligible for promotion in the ratio of 40:40:20 of the total sanctioned strength in grades III, II and I as per circular dated 6-8-1999. Later the post of stenographers cadre was restructured by the Head Office at Delhi and as per Circular dated 20-2-2004 grades I and II of stenographers were merged into one and re-designated as P.A. while Grade III was declared as dying cadre. There were many vacancies of Grade III stenographers to be filled. The matter was taken up with the Chief General Manager (CGM) BSNL, Trivandrum and in the discussion it was decided that creation and sanction of posts will be done soon after the ceiling of financial enhancement from Head Office is received. But the management created only 27 posts as against 160 posts vacant up to 31-3-2001. The backlog as on 31-3-2002 was 216 posts. Request was made repeatedly by the union to fill up the vacancies. There was no favourable response from the management. At last, on 23-6-2004 a reply was given by the management that additional justified posts as on 31-3-2003 cannot be created since the ceiling of financial enhancement approval has not been received from headquarters. It was also stated that the circle office cannot create posts which are declared as dying cadre. There is no justification in the stand taken by the management that the posts fell vacant prior to 1-1-2004 till order of restructuring of stenographers came into existence. There is no legal bar in creating and sanctioning additional justified posts of Grade III stenos up to 31-3-2003 despite re-structuring order of 2004. The present Stenographers Grade III have put in service of about 30 years and all of them are eligible for two ACPs. Hence the present Grade III stenos draw pay equivalent to PA and PS. By upgrading Grade III to PA there will be no financial commitment to the BSNL. Otherwise Grade III stenos will have to retire in the same post. Hence the union prays that the management may be directed to sanction 216 justified backlog of posts of stenographer Grade III as on 31-3-2003 and upgrade them in accordance with re-structuring order of 29-9-1999.

3. The management filed written statement (reply statement) contending as follows :—

The claimant union is not a recognized union. There are two unions, of the executive cadre and non-executive cadre recognized by BSNL. The present union has no *locus standi* to represent the employees both executive and non-executive cadres of BSNL. The justified posts in any cadre including that of stenographers are to be considered by CGM, Telecom, Kerala Circle strictly in accordance with instructions in DOT, New Delhi dated 25-2-1992. As per that instruction, additional posts have to be limited within the total ceiling limit of sanctioned strength of 19,370 as on 1-4-1991. While the Kerala Circle filled up justified posts of stenos as on 31-3-2000 the posts of various other vital technical cadres were kept pending. Whenever there was an order enhancing the ceiling limit, the Kerala Circle created additional posts of stenos proportionately. Later the BSNL headquarters withdrew the power of sanction of posts from Telecom officer of Kerala. Hence the post of stenos cannot be sanctioned by CGM Kerala. Since stenographers Grade III is declared as dying cadre, recruitments either by direct or induction to the cadre is banned. The BSNL has to compete with many other service providers in the private sector of telecommunications and most modern technologies in the telecommunication filed have to be adopted for providing better service to the customers under comparatively low cost. In the changed scenario, technical cadre are more vital for the installation and maintenance of equipments. It is under these circumstances, BSNL has declared certain cadres like stenographers as dying cadre. The financial constraints also restricts creation of additional posts in all cadres. The constraints are applicable to many officer cadre too. The justification of posts alone will not confer any right for sanction or creation of posts. The management has to take a decision on this matter considering various aspects like immediate necessity and financial viability. The benefit of ACP has been given to all eligible officers and staff. Promotion to the post of P.A. cannot be given hypothetically by considering backlog vacancies as demanded by the union. Hence the management prays to dismiss the claim.

4. The Union filed rejoinder stating that the officers other than CGM, are not competent to represent the

management and file reply statement. The claimant is a registered trade union and as such can espouse the cause of workmen. No recognition by the company is required for that purpose. No other cadre has been declared as dying cadre and hence non-creation of posts do not affect other cadres. The justified posts came into existence prior to the re-structuring order of 2004 and therefore there is no bar in filling up those vacancies, The organization of BSNL has never run into loss compelling the management to impose financial restrictions.

5. In the light of the above pleadings, the following points arise for consideration :–

(1) Is the claimant union competent to espouse the cause of workmen?

(2) Is the demand of Union for creation of backlog of 216 posts of stenographer Grade- III justified ?

(3) To what reliefs is the union entitled ?

6. Point No. 1 :

The *locus standi* of claimant union is questioned by the management on the ground that it is not a recognized union and do not represent majority of workmen of BSNL. The management contends that there are only 2 recognized unions in BSNL, one for executives and the other for non-executives. According to them, only a recognized union is competent to represent the workers of BSNL before any forum. They seek support in the decision of the Hon'ble Supreme Court in Review Petitions Nos. 1111-1112 of 2002 in civil appeal Nos. 3337-3338 of 2002 dated 31-7-2003 (Ext. M 4). But in that judgement what is observed is that the union cannot represent the workmen in grievance procedure before the employer. The finding of the High Court of Orissa to the contrary was set aside by the Hon'ble Supreme Court. But whether such a union can espouse the cause of workmen before conciliation officer or court did not fall for consideration in that case. The representation in a grievance procedure before employer is different from raising an industrial dispute before Government and court. The Union has contended that it is an All India Union duly registered under Trade Union Act, and majority of non-executives of Kerala Circle are its members. Though statistics regarding number of membership of union is not available, the numerical strength of union is not a criterion for espousing the cause of workmen. It is enough that a considerable number of workers of an establishment are members of the union, in order to represent them before court or conciliation officer. In workmen of Indian Express Newspaper Pvt. Ltd. V. Management of Indian Express Newspaper Pvt. Ltd., (1970) 2 LLJ 132 (SC) the Honb'le SC held that 31 out of 131 working journalists were an adequate number for espousal of the dispute. Recognition of the union by the Management of an establishment is not essential. The Hon'ble Supreme Court has gone to the extent of holding that it is not essential that union of the same establishment should take up the cause of workers of that establishment. It can be done by another union belonging to the same industry, but not necessarily the same establishment (Workman vs. M/s. Dharam Pal AIR 1966 SC 182). There has always been a liberal approach to the problem by Hon'ble Supreme Court and High Courts. In this case the union enjoys the support of the entire stenos of Grade III in Kerala Circle in the dispute. In the light of the above circusmstances I find that the claimant union is competent to represent the workmen in Kerala Circle in the dispute. Point is answered accordingly.

7. **Point No. 2 :** The reference is :

" Whether the demand of the BSNL Personal Staff Association for Sanction/creation of backlog of 216 posts of Stenographer Grade III for the purpose of promotion to the ratio of 40 : 40 : 20 among the Stenographer Grade III : Personal Assistants : Personal Secretaries at the Kerala Circle of Bharat Sanchar Nigam Ltd., Kerala Circle is justified ? If so, to what relief the concerned workmen are entitled ?

The cause espoused is that of stenographers in BSNL. Prior to 1-1-2004 there were 3 grades of stenographers, i.e. III, II & I grades. Ext. W1 Office Memorandum dated 6-8-1999 refers to these grades and the scale of pay and promotion prospects. The restructuring of stenographers was implemented by Ext. W2 order of the Corporate Office, New Delhi dated 20-2-2004. The above order was to take effect from 1-1-2004. As per Ext. W2, Grades II & I were merged into a common post designated as Personal Assistant (P.A.). A new scale was also provided. Grade III remained the same and declared as a dying cadre. That means further recruitment/promotion was prohibited. According to the union there are 78 Grade III stenographers in Kerala Circle and they remain stagnant without promotion because of the attitude of the management taken under the cover of Ext. W2 restructuring order. They contend that out of justified 490 posts of stenographers, the management filled up only 274 posts and 216 posts remain to be filled. This was the position up to 31-3-2003. Ext. W6 is the statistics provided by the union based on Ext. W17 officer's Telephone Directory, 2001 of BSNL, Kerala Circle. The vacancy of stenographers are counted on the strength of officer's eligibility for stenographers. According to the union though representation was made several times to the management, no effective steps were taken to redress the grievance. Ext. W8, 9,10 & 11 are some of the representations of the union. As per Ext. W1 OM of the Govt. of India the stenographers are structured as Grade III, II & I in the proportion of 40: 40: 20 i.e. if there are 100 stenos the proportion would be 40 grade III, 40 grade II and 20 grade I. The union contends that if the additional justified 216 posts are filled up, the existing Grade III

stenographers being seniors, will automatically be up graded to Grade II and then Grade I. By virtue of Ext. W2 order, restructuring the stenographers, once the 78 stenographers get upgraded into Grade II automatically they become P. As. If the vacancies of stenos are not filled the 78 stenographers now working in Kerala Circle and who have put in 20—30 years of service, will retire as they are. It is also ststed by them that by upgrading them to the post of P.A. in accordance with Ext. W2 order the BSNL will have no additional financial commitment because by reason of the benefit of 2 ACPs they are drawing pay equal to that of P.A.

8. But the question is whether the officers of Kerala Circle is competent to fill up the vacancies on demand of the union. The CGM of Kerala Circle is the competent authority to sanction the post of stenographers and P.As. But according to the management their hands are tied by reason of Ext. W2 order of Corporate Office, Delhi declaring the post of stenographers as the dying cadre. Besides, the power of CGM to create posts is taken away by the Head Office by Ext. M6 order dated 8-10-2004. Periodically the Head Office of BSNL issues orders fixing ceiling limit of sanctioned strength in every Circle of BSNL. It is contended by the management that preference was always shown for sanction of posts of stenographers compared to other cadres. In para 2 page 2 of the reply statement the management contends that up to 7-5-2002 the vacancy of stenos within the ceiling limit sanctioned by the Head Office were filled up. It is argued by the management that the additional justified posts claimed by the union need not be the factual figure. They have calculated the probable number of vacancies of Stenos based on the entitlement of officers mentioned in the Telephone Directory (Ext. W17). But there are various factors in calculating the number of vacancies in any cadre. The financial stability, viability, the quantum of work with one or more officers, the possibility to share a steno by two or more officers, ceiling limit etc. The process of calculating vacancies is not an easy affair. It takes several months to get statistics from different departments and sections of BSNL. Thereafter the rules and procedures as well as factors mentioned above are taken into account before additional posts are sanctioned.

9. No doubt, CGM, Kerala Circle has the power to create additional posts of stenographers according to the vacancies. I have already mentioned that, as per Ext. M6 order that power is taken away by the Head Office. Thus, CGM's hands are tied and he cannot fill up any vacancy after 8-10-2004. Moreover, Grade III stenographer's post is declared as a dying cadre and that would also create fetter in sanctioning further posts in that cadre. Even though the union is claiming posts that accrued prior to 1-1-2004, no vacancies whether prior or present can be filled up by CGM of Kerala Circle in view of Ext. W2 order (declaring grade III stenos as dying cadre as well as Ext. M6 order withdrawing the power of CGM to create posts). Hence the Head Office alone has the power to create posts. Even if the contention of the union that Stenos Grade III are very few in other States compared to Kerala, and so the really affected persons are stenographers in Kerala, the anomaly if any has to be rectified by the Head Office. The issue being national in nature this court is also not having jurisdiction to decide it. The Stenographers Grade III in Kerala Circle numbering about 78 are admittedly drawing pay equal to that of P.A. The only difference is that certain allowances, like paper allowance, telephone facilities, etc. which are due to P.A., are not available to Steno Grade III. Whatever be the loss of facility due to non-upgradation of stenos to the post of P.A., unless the CGM of Kerala has the power he cannot redress the grievance of stenographers. The order declaring Steno Grade III as dying cadre is a policy decision of BSNL. This issue has to be taken up in the national level and a decision has to be taken by the appropriate forum. Since Stenos Grade III is declared as a dying cadre, the union wants creation of additional justified posts so that the existing 78 stenographers will get upgraded to the post of P.A. This is not possible as power of CGM, Kerala is withdrawn and no further recruitment or promotion is allowed. The stenos already in the cadre have no right to say that the remaining vacancies in the same cadre have to be filled up. So far as no selection is made none else can also demand as a matter of right that the vacancies, should be filled up. The demand of the union is not justified.

10. **Point No. 3** (See Award portion)

11. In the result, an award is passed rejecting the claim of union for sanction of backlog of 216 posts of Stenographaher Grade III. Parties are directed to suffer their respective costs. The award will take effect one month after its publication in the Official Gazette.

Dictated to the Personal Assistsnt, transcribed and typed by her, corrected and passed by me on this the 31st day of March, 2006.

P. L. NORBERT, Presiding Officer

APPENDIX

Witness for the Union:

WW1-M.T. Sasidhara Menon—13-3-2006.

Witness for the management:

Nil.

Exhibits for the Union:

W1	29-9-1999	Copy of forwarding letter with photoststst copy of OM No. 22034/2/92.Estt (D1) dt. 6-8-1999 of Ministry of Personnel, Public Grievances & Pensions, Govt. of India.
W2	20-2-2004	Copy of Order No. 20-B/2002. Peras.II issued by the Corporate Office, BSNL, New Delhi.

W3	21-11-1990	Copy of circular No.19-14/83-TE-II issued by the Dept. of Telcommunications, Govt. of India.
W4	21-11-1990	Copy of circular No.19-14/89-TE-II issued by the Dept. of Telecommunications, Govt. of India.
W5	31-3-2001	Photostat copy of list of justification of stenographers in Kerala Circle as on 31-3-2001.
W6	31-3-2004	Photostat copy of list of justification of stenographers in Kerala Circle as on 31-3-2002.
W7	27-2-2004	Photostat copy of representation by the union to the management.
W8	26-3-2004	Photostat copy of representation by the union to the management.
W9	8-4-2004	Photostat copy of representation by the union to the management.
W10	31-5-2004	Photostat copy of representation by the union to the management.
W11	26-7-2004	Photostat copy of representation by the union to the management.
W12	23-6-2004	Photostat copy of reply by management to the Union.
W13	12-9-2005	Photostat copy of circular from the Corporate Office, BSNL, New Delhi.
W14	19-10-2005	Photostat copy of Memo No. ST-II/29-12/2005 issued by the BSNL, Kerala Circle, Thiruvananthapuram.
W15	1-4-2003	Photostat copy of Order No. 20-1/2003-TE-II issued by the the Corporate Office, BSNL, New Delhi.
W16	15-4-1999	Copy of Circular No.12-14/98-TE-I isssued by the M/o Communications, Dept. of Telecom, New Delhi.
W17		Officers' Telephone Directory published by CGM, Telecom., Kerala Circle.
W18		Statement prepared by the union regarding justified strength and sanctioned strength.
W19	5-7-1990	Copy of letter No. Nil issued by the Director, M/o Personnel, Public Grievances & Pensions, Govt. of India.
W20	5-6-1990	Copy of Order No. 7(4)-E (Coord.)/88(Pt) issued by Ministry of Finance, Dept. of Expenditure, Govt. of India.

Exhibits for the management :

M1	7-02-2003	Photocopy of Circular No. BSNL/39-1/SR-2002.
M2	6-12-2004	Photocopy of Notification No. BSNL/5/SR/2004 Vol. II(1).
M3	29-4-2004	Photocopy of Letter No. BSNL/31/SR/2002 issued by the BSNL Corporate Office.
M4	31-7-2003	Copy of Judgment in Review Petition Civil Nos. 1111-1112 in Civil Appeal No. 3337-3338/02 of the Hon'ble Supreme Court of India.
M5	15-1-2004	Copy of judgment in W.P.M.P. No. 31266/2002 and W.P.M.P. No. 24890/02 of the Hon'ble High Court of Andhra Pradesh at Hyderabad.
M6	8-10-2004	Copy of Letter No. 6-5/2004-EB issued by the BSNL Corporate Office.
M7	2-6-2003	Copy of Letter No.F-250.20/2003-Pers.-III issued by the BSNL Corporate Office.

P.L. NORBERT, Presiding Officer

नई दिल्ली, 13 अप्रैल, 2006

का.आ. 1755.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ऑफिसर कमांडिंग, 68 (आई), ए एस सी सप्लायर पी एल ए एस सी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चैन्नई के पंचाट (संदर्भ संख्या 5/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-4-2006 को प्राप्त हुआ था।

[सं. एल-14012/41/2004-आई आर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 13th April, 2006

S.O. 1755.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 5/2005 of the Central Government Industrial Tribunal/Labour Court, Chennai as shown in the Annexure, in the industrial dispute between employers in relation to the management of Officer Commanding, 68(I) ASC Supplier PLASC, and their workmen, which was received by the Central Government on 13-4-2006.

[No. L-14012/41/2004-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Friday, the 25th Novermber, 2005

PRESENT

K. JAYARAMAN

Presiding Officer

INDUSTRIAL DISPUTE NO. 5/2005

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A)of Section

10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of 68 (1) ASC Supplier PLASC and their workman).

BETWEEN

Sri C. Chinnaraj I Party/Petitioner

AND

The Officer Commanding, II Party/Management
68(1) A.S.C. Supplicer PLASC
Ootacamund.

APPEARANCE:

For the Workman : M/s. T. Fennwalter Associates.

For the Management : M/s. S. Karthikeyan, Advocates.

AWARD

The Central Government, Ministry of Labour *vide* Notification Order No. L-14012/41/2004-IR(DU) dated 25-11-2004 has referred the following industrial dispute to this Tribunal for adjudication :—

"Whether the claim of Shri C. Chinnaraj for reinstatement with continuity of service and back wages against the Officer Commanding, 68(1) ASC Supplier PLASC, Wellington Bazar PO, Ooty is legal and justified? If not, to what relief the workman is entitled?"

2. After the receipt of the reference, it was taken on file as I.D. No. 5/2005 and notices were issued to both the parties. Both sides have entered appearance through their advocates and filed their Claim Statement and Counter Statement respectively.

3. When the matter is taken up for enquiry finally after adjourning the case for several hearings, neither the Petitioner nor his counsel on record appeared for enquiry. Therefore, the Petitioner is called absent and set *ex-parte*.

4. In view of the above, I find the Petitioner has no interest to prosecute this dispute. Therefore, the claim of the Petitioner is dismissed for want of prosecution. No Costs.

5. The reference is disposed of accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 25th November, 2005.)

K. JAYARAMAN, Presiding Officer

नई दिल्ली, 13 अप्रैल, 2006

का.आ. 1756.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ऑफिसर कमांडिंग, 68 (आई), ए एस सी सप्लायर पी एल ए एस सी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालम, चैन्नई के पंचाट (संदर्भ संख्या 5/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-4-2006 को प्राप्त हुआ था।

[सं. एल-14012/40/2004-आई आर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 13th April, 2006

S.O. 1756.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 4/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Officer Commanding, 68(I) ASC Supplier PLASC, and their workmen, which was received by the Central Government on 13-4-2006

[No. L-14012/40/2004-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Friday, the 25th November, 2005

PRESENT

K. JAYARAMAN
Presiding Officer

INDUSTRIAL DISPUTE NO. 4/2005

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of 68 (1) ASC Supplier PLASC and their workman).

BETWEEN

Sri P.A. Murugan I Party/Petitioner

AND

The Officer Commanding, II Party/Management
68(1) A.S.C. Supplicer PLASC
Ootacamund.

APPEARANCE:

For the Workman : M/s. T. Fennwalter Associates Advocates.

For the Management : M/s. S. Karthikeyan, Advocates.

AWARD

The Central Government, Ministry of Labour *vide* Notification Order No.L-14012/40/2004-IR(DU) dated 25-11-2004 has referred the following industrial dispute to this Tribunal for adjudication :—

"Whether the claim of Shri P.A. Murugan for reinstatement with continuity of service and back

wages against the Officer Commanding, 68(1) ASC Supplier PLASC, Wellington Bazar PO, Ooty is legal and justified? If not, to what relief the workman is entitled?"

2. After the receipt of the reference, it was taken on file as I.D. No. 4/2005 and notices were issued to both the parties. Both sides have entered appearance through their advocates and filed their Claim Statement and Counter Statement respectively.

3. When the matter is taken up for enquiry finally after adjourning the case for several hearings, neither the Petitioner nor his counsel on record appeared for enquiry. Therefore, the Petitioner is called absent and set *ex-parte*.

4. In view of the above, I find the Petitioner has no interest to prosecute this dispute. Therefore, the claim of the Petitioner is dismissed for want of prosecution. No Costs.

5. The reference is disposed of accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 25th November, 2005.)

K. JAYARAMAN, Presiding Officer

नई दिल्ली, 13 अप्रैल, 2006

का.आ. 1757.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ऑफिसर कमांडिंग, 68 (आई), ए एस सी सप्लायर पी एल ए एस सी के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चैन्नई के पंचाट (संदर्भ संख्या 6/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-4-2006 को प्राप्त हुआ था।

[सं. एल-14012/42/2004-आई आर (डीयू)]

सुरेन्द्र सिंह, डेस्क अधिकारी

New Delhi, the 13th April, 2006

S.O. 1757.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 6/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Officer Commanding, 68(I) ASC Supplier PLASC, and their workmen, which was received by the Central Government on 13-4-2006.

[No. L-14012/42/2004-IR (DU)]

SURENDRA SINGH, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Friday, the 25th November, 2005

PRESENT:

K. JAYARAMAN,
Presiding Officer

INDUSTRIAL DISPUTE NO.6/2005

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of 68(1) ASC Supplier PLASC and their workman)

BETWEEN

Sri J. Prabakaran : I Party/Petitioner

AND

The Officer Commanding : II Party/Management
68(1) nA.S.C. Supplier PLASC
Ootacamund.

APPEARANCE:

For the Workman : M/s. T. Fennwalter Associates Advocates.

For the Management : M/s. S. Karthikeyan, Advocates.

AWARD

The Central Government, Ministry of Labour *vide* Notification Order No.L-14012/42/2004-IR(DU) dated 25-11-2004 has referred the following industrial dispute to this Tribunal for adjudication :—

"Whether the claim of Shri J. Prabakaran for reinstatement with continuity of service and back wages against the Officer Commanding, 68(1) ASC Supplier PLASC, Wellington Bazar PO, Ooty is legal and justified? If not, to what relief the workman is entitled?"

2. After the receipt of the reference, it was taken on file as I.D. No. 6/2005 and notices were issued to both the parties. Both sides have entered appearance through their advocates and filed their Claim Statement and Counter Statement respectively.

3. When the matter is taken up for enquiry finally after adjourning the case for several hearings, neither the Petitioner nor his counsel on record appeared for enquiry. Therefore, the Petitioner is called absent and set *ex-parte*.

4. In view of the above, I find the Petitioner has no interest to prosecute this dispute. Therefore, the claim of the Petitioner is dismissed for want of prosecution. No Costs.

5. The reference is disposed of accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 25th November, 2005.)

K. JAYARAMAN, Presiding Officer

नई दिल्ली, 13 अप्रैल, 2006

का.आ. 1758.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय तेल निगम लि. के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण बंगलौर के पंचाट (संदर्भ संख्या 5/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-4-2006 को प्राप्त हुआ था।

[सं. एल-30012/102/2000-आई आर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 13th April, 2006

S.O. 1758.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 5/2001) of the Central Government Industrial/Tribunal-cum-Labour Court, Bangalore now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of I.O.C.L. and their workman, which was received by the Central Government on 12-4-2006.

[No. L-30012/102/2000-IR (M)]

B.M. DAVID, Under, Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE

Dated : 21st March, 2006

PRESENT :

Shri A. R. SIDDIQUI, Presiding Officer

C. R. No. 5/2001

I PARTY	**II PARTY**
The President, Mysore Division General Employees Association, No. 2, Uppadyayara Building, Syyaji Rao Road, Mysore-1	The General Manager, Indian Oil Corpration Ltd., No. 2, Janardhan Towers, Bangalore-560 028

AWARD

1. The Central Government by exercising the powers conferred by clause (d) of sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-30012/102/2000-IR (M) dated 24th January, 2001 for adjudication on the following schedule :

SCHEDULE

"Whether the action of the management of Indian Oil Corpration Ltd., in discontinuing the services of Shri P.K. Balakrishna w.e.f. 1-9-99 is justified ? If not, to what relief he is entitled ?"

2. The case of the first party union which represents the case of one Shri P.K. Balakrishna (hereinafter called the first party) as made out in the Claim Statement, in brief, is that first party joined the services of the management in the post of Pump Maintenance in the month of February 1990 and he was refused work without any cause, notice or enquiry, all of a sudden w.e.f. 1-9-1999. The action of the management is illegal, unjust and unfair in as much as in violation of principles of natural justice amounting to victimization and unfair labour practice; that he has put in a continuous service of more than 9 years receiving wages of Rs. 3000/- per month and has been denied work in violation of the provision of Section 25 F of the ID Act; that all his efforts to persuade the management to take him back in service since failed he approached the Conciliation Officer raising the dispute ending in failure report and resulting into the present reference. Therefore, he requested this tribunal to pass an award reinstating him in service with back wages and continuity of service and other consequential benefits.

3. The management by filing its Counter Statement resisted the claim of the first party, *inter alia*, contending that its Mysore Depot, caters to the Petroleum products requirement of Mysore, Mandya and Chamarajnagar Districts being headed by a Senior Depot Manager with the staff of two Chargemen to attend to the various pump complaints of Petrol Bunks and Petrol/Diesel Pumps provided at customers premises. They attend to the complaints and report to the concerned Area Sales Officer who is positioned at Mysore; that whenever there is a problem with the functioning of the pumps, the Retail Outlet Dealers and Consumer Pump Owners make a complaint, and on the receipt of which entry in the Pump Maintenance Register is made giving the details of the name of the party, date of complaint and nature of complaint. There upon the Chargemen attend to the complaints and necessary entries in the said register will be made as to who attended the complaint and the completion of the job and the name of the person who attended it. That Chargemen while attending the complaint would some time reuire the assistance of someone to carry the pumping unit, Metering Unit and such other accessories engaging the labourers purely on contract basis and those labourers would be paid charges for the services rendered by them.

4. That for operating the Canteen at Mysore Depot for the Indian Oil Employees, the Management called tenders from the three parties at Mysore on 22-12-1994 and the only party which had given the quotation was the first party and he was given contract in the month of January 1995. He deposited a sum of Rs. 3000/- and executed the receipt for payment of deposit amount and thereafter was running the canteen on contract basis. He run the canteen for some years and thereafter became a petty contractor carrying out the small jobs like repair, shifting of pumps

etc. He was being engaged by the chargemen whenever his assistance was required for carrying the pumping units and metering unit and other accessories relating to the upkeep of pumps on job contract basis. The first party whenever was being engaged for such work he used to raise the bills for having carried out such works and was being paid from the Imprest Account based on the bills submitted by him. He was never employed by the management at Mysore Depot and that he was only a Petty Contractor not only doing the work for the management but also was undertaking the work for the Petrol Bunk independently and therefore, there was no empolyee employer relationship between the first party and the management; that the management has got the rules and procedure governing the recruitment of the employees based on the qualification and experience of the candidates through Employment Exchange. Moreover, there is no designated post as Pump Repairer in the management; that the first party union is not functioning with the management company and none of the employees of the management are the members of the first party union and therefore, the dispute raised by the first party union is not legally and properly espoused there being no substantial number of workmen supporting to raise the dispute. At Para 19 of the Counter Statement the management contended that the first party on his own stopped approaching the management for petty contract works from 1-9-1999 on wards and has started carrying out the repairs of pumps in various petrol bunks in and about Mysore. It was further contended that there was no violation of provisons of Section 25F of the ID Act. The management also contended that the first party has been gainfully employed and earning his livlihood and was not getting salary of Rs. 3000 from the management as contended by him.

5. During the course of trial first party has examined himself as WW1 and got marked documents at Ex. M1 to M9 in his examination chief as under :—

> "I joined the services of the Second party since 1-2-1990 as pump maintainer. I worked for about 9 years at various places i.e. Bangalore and Mysore. I have filed documents Ex. M1 to 8 are these documents. M1 is the Certificate, M2 is the letter, M3 is another letter, M4 and M5 are letters. Ex.M6 are the copies of pump maintenance register. M7 is the conciliation Record before RLC. Ex.M8 is the imprest voucher. Ex. M9 is the postal record. In the year 1999 i.e. on 1-9-99 I was refused work without any charge sheet, enquiry and compensation. I have no other employment. I am age barred. I am married and got two children. I may be given job with all benefits. Monthly salary of mine was Rs. 3000. To oblige their own man, I was refused work. Jairaj was taken after my removal."

6. In his cross-examination while admitting that there were two employees as Chargehand (Chargemen) in the said depot. He denied that the said two employees were attending repairs of the pumps and added to say that he was one of the employees attending repairs along with those Chargemen. While denying that he was independent contractor being engaged by the management to attend the repairs in case of the need. He admitted that he was raising the bills after attending repairs but for the expenses incurred by him towards journeys undertaken to the places for the said purpose and not as a Contractor for doing the job of repairs. He admitted that he had undertaken the Canteen Contract of the Corporation and for that purpose deposited Rs. 3000 as security when his tender was accepted. When, was confronted with the bills at Exs. M-7, M10, M13, M16, M19, M22, and M25 he admitted that they were raised by him on doing the work i.e. towards supply of food items of the Canteen. He admitted that he has been paid against those bills vide vouchers at Ex. M8, M11, M14, M17, M20, M23, by deducting the Income Tax amount and that his canteen contract was terminated in the year 1997. When, was confornted with the bills at Exs. M26 to M29 and the payment vouchers at Exs. M28 to M30 he also admitted that he has raised those bills and received the payment. In his cross examination he had shown his ignorance if the management will be engaging the casual workers after getting the names through Employment Exchange and admitted that there is no written order appointing him as a Casual worker and that he has no document for receiving monthly wages of Rs. 3000/- from the management.

7. On the part of the management MW1 filed is affidavit in examination chief just repeating the various contentions taken by the management in its Counter Statement. In his further examination chief documents at Ex. M1 series namely the sample Xerox bills raised by the first party were marked and impressed vouchers showing the payment of the bills were marked at Ex. M2 series. The original bills were marked at Ex.M3 to M6. In his cross examination when he was shown a letter dated 1-12-1997 marked at Ex. W1 and letter at Ex. W2 issued by one Vittal Rao, he admitted the contents of the said letter so also the contents of letter of Ex. W3 and the letter at Ex. W4 admitting the fact there is no mention in those letters that first party was a Contractor. He also admitted that first party has not been disguised as contractor in the pump maintenance register and was unable to say that the certificate dated 29-1-1992 has been issued by the Depot Manager in favour of the first party. MW2, is another witness for the management giving out the details in line with the contentions in the counter statement filed by the management. In his further examination chief, a bill at Ex. M7 raised by the first party was marked along with the payment voucher at Ex.M8 and TDS deductions statement at Ex. M9. The other documents marked are at Ex. M10 to

M25. In his cross examination he was shown a Xerox copy of the extract of the pump maintenance register at Ex.W6 (already marked by mistake as Ex.M6). He denied the suggestion that first party was submitting the bills as a pump man with regard to the spare parts and payments were made through vouchers. It was elicited that he has not produced any payment register reflecting Ex. W1.

8. Learned counsel for the first party has submitted his Written Arguments, *inter alia*, contending that the management witness, MW1 has admitted that in the pump maintenance register at Ex. W6 (M6) the first party had not been discribed as a contractor and he also admitted contents of Ex. W1 to W4 as correct and therefore, it is proved beyond any doubt that first party was working as a Casual Mechanic for maintenance of pump sets/Petrol bunks and the documents produced by the management, that the first party raised certain bills and was made payment according to the vouchers produced before this tribunal are the vouchers obtained from the first party by fraud. He then referred to each of the document produced by the first party in support of his arguments.

9. Whereas, learned counsel for the management in his oral arguments submitted that the first party was never employed as a casual or casual mechanic and on the other hand he attended and repaired pump sets/petrol bunks as an independent contractor and he had also worked as Canteen Contractor. He referred to the various bills raised by the first party as a contractor in attending the pump sets and as a canteen contractor in supplying the food items. He contended that the certificates at Ex.W1 to W4 and the extract of maintenance register at Ex. W6 will not establish the case of the first party that he worked as a casual mechanic under the management, particularly, in the absence of any independent documentary evidence such as pay slips or any other document suggesting that he was being paid a monthly salary of Rs. 3000/- during the period from 1990-99.

10. After having gone through the records, I find substance in the arguments advanced for the management. In order to speak to the fact that the first party never worked under the management as a casual mechanic or in any other capacity, the management as noted above, examined two witnesses asM W1 & MW2 and got marked as many as 30 documents at Ex. M1 to M30. It is the case of the management that between 1995-97 the first party was a Canteen Contractor and for having worked as Contractor and supply of food items, raised various bills and was paid amount towards the said bills out of imprest funds and subsequent to the year 1997 first party was doing the job of petty contractor attending pumps sets and Petrol bunks and for that he was raising the bills and was being paid amount under the separate vouchers and that for having made the payment Income Tax was also being collected by way of deduction in the payment vouchers. The above said contention of the management has been very much substantiated by the various bills raised by the first party and the payments made to him under the various vouchers. First party in this cross examination in no uncertain words has admitted that his tender was accepted by the managements as a Canteen Contractor and for that he has deposited Rs. 3000 as Security. When was shown with the bills at Ex. M7, M10, M13, M16, M19, M22, and M25 the first party without any hesitation admitted that those are the bills raised by him for having supplied the food items of the canteen. He then admitted that he has been paid amount against those bills vide vouchers at Ex. M8, M11, M14, M17, M20, M23, in and those vouchers, amount towards income-tax has been deducted. He also admitted that his Canteen Contract was terminated in the year 1997. Therefore, the first party admittedly having worked as Canteen Contractor between the year 1995-97 then it can never be believed that he was under the employment of the management as a casual mechanic during the above said period at least. As far as the contention of the management that the first party worked as petty contractor in attending the Petrol Bunks and Petrol pumps, the first party again, in his cross examination when was confronted with the bills raised by him at Ex. 26 to 29 admitted that they were the bills raised by him and he has been paid against those bills as per the vouchers at Ex.M28, M29 and M30. Apart from those bills, the management also produced documents at Ex.M10 to M25 viz the bills raised by the first party and the payment made to him under the separate vouchers. Those documents also include the Income Tax Returns showing deduction of Income Tax from the amount payable to the first party towards the work he carried out as a Petty Contractor and raised the bills accordingly. None of these document has been attacked and challenged on behalf of the first party during the course of cross examination of MW1 & MW2. No suggestion was made to either of the said two witnesses that these are the bills and the payment vouchers so also income-tax deductions concocted by the management in order to defeat the claim of the first party. Therefore, when we go by the aforesaid documents and evidence produced by the management, it becomes crystal clear that in between the year 1995-97 the first party worked as Canteen Contractor and thereafter up till Spetember 1999 he worked as a Petty Contractor. The aforesaid bills with regard to the contract for Canteen have been issued by the first party under his own letter heads reading as "Balkrishna Canteen Contractor, Indian Oil Corporation Limited, Metagalli, Mysore". For the work he carried out as a mechanic/contractor to attend and repair the petrol pumps and petrol bunks he had also issued the bills under the letter head reading as "Balkrishna P.K. All Pipe Fittings, Pump Repairs etc. Gayathri Bhavan, Siddalinga Pura, Mysore". His statement in cross examination that he was raising the bills only after attending the repairs for the expenses incurred by him towards journey undertaken to the places and not as a Contractor, on its face itself will

have to be rejected as improbable and unbelievable. First of all if he worked as an employee of the management corporation, then there was absolutely no necessity for him to raise any sort of bills either towards the expenses or towards the money spent by him undertaking the journeys to the places for attending the repairs could for it have been the job of the first party as a mechanic working under the management and in that case there was no question of his submitting the bills. Moreover, if we peruse the bills before this tribunal, it can never be said that they were the bills for the expenses incurred by him taking journeys to the places for repairs attended by him. The reading of the aforesaid bills would make it very much clear that they were the bills raised by him for the spare parts he provided while attending the repairs. The bills also would read to the effect that he rectified those defects by providing spare parts as mentioned in the respective bills. Therefore, the stand taken by the management that the first party did the job of Canteen Contractor and as a Petty Contractor and was not the employee of the Corporation at any point of time has been very much established by the management by the oral and documentary evidence.

11. Now as against this, documents at Ex. W1 to W4 (Ex. M1 to M4 earlier marked) which have been very much taken support of the first party to justify its claim are neither sufficient nor can be considered as legal evidence so as to suggest that he was working as a mechanic under the management. Ex. W1 is the Xerox copy of the certificate describing him as a casual worker working for two years as on 29-1-1992. First of all it is not a document to be read in evidence in the absence of the original certificate, which must be in the possession of the first party himself and not produced before this tribunal for the best reasons known to him. Secondly, MW1 in his affidavit by way of examination chief has clarified that in the above said certificate which was addressed to KAIC, Mysore by oversight he has mentioned the first party as Casual instead of mentioning him as a Contractor. The letter at Ex. W2 dated 2-1-1999 has been addressed for S. Vittal Rao & Sons to the Depot Manager of the Depot at Mysore, wherein it is stated that their Mechanic Balakrishna has attended the MS pumps on and off defect rectified placing certain spare parts. The letter at Ex. W3 is written by Sri Vijaya Service Station to the Depot Manager, Mysore, wherein it is stated that said Balakrishna has attended certain repairs. The letter at Ex. W4 again written by some agency to the Depot Manager to the effect that their Mechanic, Balakrishna has attended the complaint. Relying upon the letters the first party wants to contend that he was working as a Mechanic and attended the repairs and accordingly letters have been addressed to the Depot Manager by the parties concerned. In my opinion, this again is not a proof or an evidence to suggest that the first party infact worked under the management as its mechanic. When it is the case of the management itself that they have engaged the services of the first party as a mechanic/contractor to attend the repairs of the pumps sets and petrol bunks at the respective consumer premises and the first party had attended those repairs and accordingly the aforesaid letters were addressed to the management by the parties concerned, it cannot be said that he worked as a Mechanic being appointed by the management corporation. He might have attended the repairs as a Contractor on behalf of the management and accordingly reports were made by the parties concerned. The next document placed on record by the first party is extract of pump maintenance complaint register marked at Ex. W6 (M6) wherein at column No. 10, name of the first party appears. It was argued for the first party that first party has not described as a Contractor through out. This maintenance register running right from the year 1993 till 1997. Of course the first party has not been described as a Contractor in the aforesaid register which shows the name of the person attending the repairs but that does not lead to the conclusion that he was a mechanic working under the management as, undisputedly, he has not been described as a Mechanic as well. Therefore, the documents produced by the first party will not be helpful to his case in establishing the fact that he was working under the management being appointed as a Mechanic and therefore, was the employee of the corporation. That apart, as argued for the management, the primary burden was cast upon the shoulders of the first party himself to substantiate the fact that he was an employee of the corporation and the most relevant document rather the records to speak to the said facts would have been the wage slips duly issued by the management in favour of the first party as an employee. Not a single wage slip has been produced nor a scrap of paper also brought on record by the first party to suggest that he has been paid a sum of Rs. 3000/- as monthly salary working as Mechanic under the management. It is not the case of the first party that he attended the office of the management as employee regulary and signed any attendance register being maintained by the management. It is also not his case that he was being paid wages or salary under any payment register being signed by him and this appears to be the reason as to why he did make any attempt in calling upon the management to produce any such records evidencing the fact that he was an employee of the management and was on the roll of the management as an employee right from the year 1990 up till September, 1999. Moreover, as noted above, the oral and documentary evidence produced by the first party losses all its significance and importance in the face of the oral and documentary evidence produced by the management substantiating the fact that he worked only as a Canteen Contractor and as a Petty Contract and not as an employee being appointed by the management. Therefore, in the light of the above, the first party must fail and reference is answered accordingly by passing the following award :

AWARD

The reference stands dismissed. No order to cost.

(Dictated to PA transcribed by her corrected and signed by me on 21st March, 2006).

A.R. SIDDIQUI, Presiding Officer

नई दिल्ली, 13 अप्रैल, 2006

का. आ. 1759.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ओ.एन.जी.सी. के प्रबन्धतंत्र के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण गुहाटी के पंचाट (संदर्भ संख्या 10/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-4-2006 को प्राप्त हुआ था ।

[सं. एल-30015/4/2003-आई आर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 13th April, 2006

S.O. 1759.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.10/2004) of the Central Government Industrial-Tribunal-cum-Labour Court, Guwahati, Assam now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of O.N.G.C. and their workman, which was received by the Central Government on 12-4-2006.

[No. L-30015/4/2003-IR (M)]

B.M. DAVID, Under Secy.

ANNEXURE

IN THE COURT IN THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GUWAHATI, ASSAM

PRESENT : SHRI H.A. HAZARIKA,
Presiding Officer,
CGIT-Cum-Labour Court,
Guwahati.

In the matter of an Industrial Dispute between :—

The Management of ONGC, Agartala

Vs.

Their Workman Sri Swapan Kumar Das

ADVOCATES

Mr. S. Deb, LL.B., Miss. S. Senapati, LL.B. : Advocates for the Management

Mr. D. Chakrabarty, LL.B. : Advocate for the Workman.

Ref. No. 10 of 2004

Date of Award : 27-02-2006

AWARD

The Government of India, Ministry of Labour, New Delhi vide its Notification No. L-30015/4/2003-IR(M) dated 21-02-2003 referred this Industrial Dispute arose between the Management of O.N.G.C. and their Workman Sri Swapan Kumar Das in exercise of power conferred by Clause-(d) of Sub-section (1) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) for adjudication on the basis of the following Schedule :—

SCHEDULE

"Whether the action of the management of ONGC in terminating the service of Sh. Swapan Kumar Das is legal and justified ? If not, to what relief the workman is entitled?"

2. Initially the reference was received by the State Industrial Tribunal, Guwahati and on being set up of CGIT-cum-Labour Court, Guwahati the same is transferred and received on 9-12-2004 and issued notice to both the parties. On being notified they appeared before this Tribunal and hearing started for adjudication to pass the award.

3. It is pertinent to note here that the workman approached the Hon'ble High Court *vide* Civil Rule No. 61 of 1960 which was dismissed with direction to approach the Industrial Tribunal and being approached the Labour Court Agartala *vide* case No. 3/2001 and the same was also dismissed on the ground that the procedure for reference required under Section 10 of the Industrial Disputes Act, 1947 was not followed. Against the order of Labour Court concerned he again preferred a Writ Petition bearing 284/02 before the Hon'ble High Court Tripura Bench and the same was also dismissed with direction to Central Government to make an order of reference.

4. The case of the workman from narration of his W.S. in brief is that he was engaged by ONGC, now renamed Oil and Natural Gas Corporation under Tripura Project as contingent security man on 01-01-1988. Since very inception of joining he was discharging his duties to the entire satisfaction of all concerned. From February, 1989 he was posted at Panchamukh DTY & PTY. But from 1-5-1989 the workman was not allowed to work and his wages was stopped. The workman also learnt that in his place illegally a newly recruited Security man was posted with effect from same date i.e. 1-5-1989. The work man had been in continuous service for more than a year and he is protected under Section 25A of the Industrial Dispute Act.

Further he learnt that from outsider and to provide jobs to particular group of people his service was terminated illegally. The workman submitted a number of representations so also notices for his reinstatement. On compliance of call he appeared before the Dy. Director, Security, ONGC, Agartala as regards his demand. But the Assistant Security Officer on 3-1-1990 intimated a letter

that the workman was never in service under ONGC. A statement of the workman was recorded in an Enquiry related to a theft case. The workman claims that the management has committed gross injustice ultra violating the law and equity and he prayed that he should be treated as he has been in the continuous service as Security man on 1-1-88 to till date without any break or interruption and he has to be paid full pay and allowances for the aforesaid period and all other benefits incidental to such service.

5. The case of the management from the narration of their W.S. that the Management denied that Swapan Kumar Das had been serving to the post of his ability and the entire satisfaction of the ONGC. That the management published a Seniority List of contingent workman who completed 240 days during 12 consecutive months in Tripura Project now Tripura Asset Agartala and are still on the Roll of the management as on 17-5-93 and it reveals that the workman never worked under the management. That the claim of the workman that he was posted at Panchamukh DTY & PTY from February, 1989 are denied and disputed. That the Asstt. Security Officer, O.N.G.C., Tripura Project was not at all competent to issue any order of appointment. Appointing authority is the General Manager of the Project and the Assistant Security Officer was not competent and not vested with any power to appoint any person. The workman also failed to submit any appointment letter and the documents said to have been issued on 18-2-89 does not confer any right to the workman. The workman was never appointed by and under the management and he did not do any work under the management. That no injustice is made to the workman and the workman is not entitled to be in continuous service as Security Man with effect from 1-1-88 till today nor he is entitled to the consequential benefit and the claim of the workman is unjustified and liable to be dismissed.

6. Heard the argument submitted by the learned Senior Advocate for the management and Mr. D. Chakrabarty for the workman. Perused the documents exhibited by both the parties. The Workman examined himself as solitary witness as WW.1. The management also examined a solitary witness Aman Xavier Kundulahaa MW. 1. Both of them are cross examined by their respective opponent Advocate. I have recorded the evidence by my own hand at the Circuit Court at Agartala (Tripura).

W.W.1 Workman Swapan Kr. Das deposed that he was working at Panchamukh ONGC as Security person. Prior to it he was working at Anandanagar from 1988. He worked there as contingent Security man. He was receiving his payment on monthly basis but since his appointment at Panchamukh he was not paid. At Anandanagar in connection with an enquiry he received a paper and the same was not against him. While his payment was not made he made some representations to the management but the management did not reply to his representatives. Ext. 1 is the photo copy of his appointment letter Ext.2 to Ext.2(b) are photo copies of his representation, Ext.3 is the photo copy of his demand notice dated 21-12-89. Ext.4 is the photo copy of the letter issued to him by Dy. Director Security. Ext.5 is the photo copy of a letter issued to him by Assistant Security Officer, Agartala. Ext.6 photo copy of Statement delivered to him by S.K.Roy, SE(D) at Well ADC during the course of enquiry held. In cross examination he said that he has not submitted any documents relating to his appointment at Anandanagar. So also he said that he has not submitted any documents relating to the payment made to him. The original of the exhibited photo copies are not with him. He has got postal acknowledgement relating to deposit of document. He instituted a case at Labour Court, Agartala and submitted the original papers therein. Against the order of Labour Court he preferred appeal before the Hon'ble High Court at Agartala Bench. The Hon'ble High Court passed the order that as the ONGC is a Central Government Department the Labour Court of Agartala has no jurisdiction and directed to refer the case to Central Government Tribunal. In Hon'ble High Court also he submitted the copies of documents. Ext.6 photocopies he received from office and he has not got any forwarding letter. He denied that he has not submitted the original document in the Labour Court. He has seen the seniority list of Contingent labourers who completed 240 days and his name is not in that list. He denied that he was never appointed as contingent labour. He also denied that Assistant Security Officer has got no power of appointment

The MW. 1 deposed that Ext. A is the photo copy of the seniority list of contingent worker who completed the 240 days. During 12 consecutive months in Tripura Prject now asset as on 17-5-93 the name of Sri Swapan Kr. Das is not in the seniority list. The official record and on ONGC does not show that Swapan Kr. Das was engaged by the ONGC nor any CPF No. is given to Sri Swapan Kr. Das. In cross-examination he deposed that being transferred from Najira he joined at Agartala in the month of May, 2004. The documents on verification he has not found the exhibited documents in the official records. Ex. 5 is also not found in their office. He is not definite whether on 3-1-90 Sri S. N. Singh was Assistant Security Officer at ONGC, Agartala or not. No enquiry was held relating to theft of petroleum. Ext. A is the original of Annexures O, P submitted earlier. The name of the employees who retired or retrenched are not in the seniority list Ext. A Ext. 1 to Ext. 6 are not admitted by their office. He denied the workman was working from 1-1-88.

7. On my careful scrutiny I find the workman claims that he was engaged and appointed by the Management and Management has illegally stopped his payment and as such, not allowed to functioning as Security Guard. the Management denied the appointment as claimed by the Workman *vide* Ext. 1 issued by the Assistant Security

Officer, Sr. S.N. Singh Rather the Management argued that the Workman was never appointed by Assistant Security Officer, S.N. Singh and relied the Ext.5, the documents submitted by the Workman. The Management denied the existence of master and servant relation with the workman. The Workman claims that prior to his appointment at Panchamukh vide Ext.1 he was working under ONGC at Anandanagar.

8. Now I am to see whether the Ext.1 is genuine or valid in law. It appears to me Ext.1 is a document presumed to be issued by the Assistant Security Officer who has subsequently denied this appointment letter vide Ext.5 which is submitted by the workman but at the same time I am to see the legal force of that appointment letter whether it is issued by a proper and competent person authorized to issue the appointment letter. It was issued by Assistant Security Officer who has subsequently denied the issuance of the Ext.1 appointment letter. On perusal of Office Memorandum of ONGC dated 2nd April, 1982 of ONGC which is submitted by learned Advocate for the Management (Circulars/Office Orders Etc. regarding engagement of Contingent/Casual/Work-charged hands and award of Job Contract in ONGC (updated upto July/ August, 1991), page 9 Office Memorandum 4. It is reflected in page9 clause-IV that the "Director (Exploration) had been authorized to appoint contingent labour for geological field parties during the field season:" On perusal of the same I find the Assistant Security Officer is not empowered to issue appointment or appointment letter and hence, Ext.1 (appointment letter) is not valid in law. Much argument made by both the sides. The learned Advocates on the point of under Section 25 of the Industrial Disputes Act. The basic point here I am to see whether the workman worked for 240 days for the proceeding of 12 months or one year to attract under section 25 of the Industrial Disputes Act especially under section 25(a), 25(b) of the Act. The workman claims that he was working under the ONGC at Anandanagar and he came from Anandanagar and got appointment at Panchamukh from 18-2-1989 as contingent Security man but he could not show any scrap of paper as regards his engagement by ONGC at Anandanagar. So also he failed to show any payment vouchers. He claims his appointment at Panchamukh vide Ext.1 which is denied by the management. Admittedly he received no payment at Panchamukh. The management side during the course of their examination of their solitary witness, Exhibited Ext.A Seniority List (Proved in original) of contingent who completed 240 days. In cross-examination part the workman Swapan Kr. Das admitted that he seen the list wherein the names of workers who completed 240 days are reflected. As admitted in his cross-examination his name is not apparent in that list. Though both the parties not frank about disclosing of an enquiry relating to theft of petrol yet it is found the workman is not treated as delinquent workman or there is allegation that the workman is involved in the petrol theft. Hence, the question of the enquiry is redundant in present facts and circumstances of the matter.

9. During the course of their argument both the parties cited some numbers of case laws. The management party submitted the following case laws :

(1) 2005 AIR SCW 5514: (2005) 8SCC 481

Batala Co-operative Sugar Mills Ltd.-vs- Sowaran Singh.

(2) 2005 AIR SCW 5562

Surendranagar District Panchayat-vs- Dahyabhai Amar Singh.

The following case laws are cited by the Workman.:

(1) AIR 1981 SC 1626

M/s Firestone Tyre and Rubber Company of India (P) Limited, -vs- The Workman Employee represented by Firestone Type Employee Union.

(2) 2004 AIR SCW 3731

Mukund Staff and Officer Association. -vs- Mukund Staff and Officer Association.

(3) 2005 AIR SCW 1871

Bank of Boroda -vs- Ghemarbhai Harjibhai Rabari.

(4) (1994) 2 SCC 38 HMT Limited -vs- Labour Court, Erna Colum and others.

10. In the Case Nos. 1 &2 cited by the Management the basic point involved is that onus lies upon workman to prove that the workman worked for more than 240 days in a year proceeding his termination. On careful study of those 2 case laws I find the attendance of 240 days continuous service is condition precedent. The burden to prove continuous service of 240 days consecutively in a proceeding one year lies on the Workman which is mandatory.

11. I find Case Laws cited by the workman side in relation to unfair labour practice, travelling beyond schedule-reimbursement of payment to driver who proved his continuous service of 240 days and reimbursement made to the driver by the Bank Executive and that payment was with a separate scheme and the Driver produce some vouchers of payment made to him. The other case in relation to back wages.

12. With all respect, I find the case laws cited by the Workman side are not befitting with present facts and circumstances of the case but the case cited by the management are fully befitting with the instant case.

13. Under the above facts and circumstances I find there is no acceptable evidence in the record that the workman worked for 240 days continuously in compact a year. Further the Ext.1 is not valid under law. Under the above facts and circumstances in my opinion the workman is not entitled for any relief. The workman is not entitled for any relief. The schedule is decided against the Workman.

Accordingly send this award to the Government as per procedure.

H.A. HAZARIKA, Presiding Officer

Exhibit of the Workman:—

Ext. 1-Photo copy of Appt. letter.

Ext. 2 to 2 (B) are Photo copies of representation.

Ext. 3 Photo copy of Demand notice.

Ext. 4 Photo copy of letter issued by Sr.Dy. Director (Security).

Ext. 5 Photo copy of letter issued by A.S.O., O.N.G.C., Agartala.

Ext. 6 Photo copy of statement by W/M. before S.K. Ray, S.E.(D).

Exhibit of the Management:—

Ext. A Photo copy of seniority list of Contingent workers in two sheets.

नई दिल्ली, 17 अप्रैल, 2006

का. आ. 1760.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ग्रासीम इण्डस्ट्रीज लि. के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चैन्नई के पंचाट (संदर्भ संख्या आई.डी. 363/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-4-2006 को प्राप्त हुआ था।

[सं. एल-29012/14/2004-आई आर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 17th April, 2006

S.O. 1760.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. I.D.-363/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Grasim Indutries Ltd. and their workman, which was received by the Central Government on 13-4-2006.

[No. L-29012/14/2004-IR (M)]

B. M. DAVID, Under, Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT, CHENNAI

Thursday, the 4th August, 2005

PRESENT:

K. JAYARAMAN, Presiding Officer

Industrial Dispute No. 363/2004

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of Grasim Insudtries Ltd. Grasim Cement Division (S) and their workman).

BETWEEN:

Sri Swaminathan : I Party/Petitioner

AND

The Joint President, Grasim Industries Ltd. Grasim Cement Division (S) Reddipalayam Post. : II Party/Management

APPEARANCE:

For the Workman : M/s. Sivam, S. Subramaniam & Balaji, Advocates

For the Management : M/s. Meenakshisundaram & Dwarakanatham, Advocates

AWARD

The Central Government, Ministry of Labour *vide* Notification Order No.L-29012/14/2004-IR(M) dated 31-3-2004 has referred the following industrial dispute to this Tribunal for adjudication :—

"Whether the claim of Shri Swaminathan for continuity of service, regularisation with back wages and all benefits against the management of Grasim Industries Ltd., Cement Division (South) Reddipalayam, Ariyalur is legal and justified? If not, to what relief the workman is entitled?".

2. After the receipt of the reference, it was taken on file as I.D. No. 363/2004 and notices were issued to both the parties. Both sides have entered appearance through their advocates and filed their Claim Statement and Counter Statement respectively.

3. The allegations in the Claim Statement are briefly as follows:—

The Petitioner is a worker under the II Party/ Management from 15-1-2001 and engaged in mining works. He has worked continuously for more than 500 days and there was licensed contractor to engage workers in this

kind of mining works. One Dharani cement was the previous owner of the cement plant which was subsequently taken over by the II Party/Management as Grasim Cement Division. The II Party/Management was using 26 employees like the Petitioner and the post is permanent and continuous one and therefore, the worker is also deemed to be a permanent worker. The Petitioner was one of the land owners in the said area and was previously doing agriculture in the land and the said lands were acquired for the purpose of setting up of II Party/ Management cement plant in the year 1994-95. At the time of purchase of lands, it was promised that II Party/ Management for whom the lands were being acquired would employ all those whose land had been acquired. Therefore, the Petitioner's legitimate expectation that he would be made a permanent employee of the II Party/ Management. The Petitioner was engaged as water pump and mining helper and now he is presently working as helper in the mining with the present wages of Rs.100 per day. The II Party/Management is under the control of cement wages settlement Board and as per the wages board and as per Mines Act, no person should be employed under contract labour in extricating work especially relating to mines. For the benefit of the Petitioner and other labourers, a collective group provident fund account had been opened with contribution from the II Party/ Management and amounts are then divided and given credit to each individual. The I Party Petitioner is entitled to get his service regularized with all benefits and back wages and hence, he raised this dispute. The II Party/ Management's action in not regularising the service even after more than 500 days of continuous service in a permanent vacancy is illegal, arbitrary and unjust and Respondent/Management cannot plead estoppel after agreeing to give permanent employment to those persons whose lands were acquired for the plant. Hence, for all these reasons, he prays this Tribunal to regularise the services of the Petitioner with back wages and other monetary benefits with continuity of service.

4. As against this, the Respondent in its Counter Statement contended that the I Party/Workman has never been an employee of the II Party/Management. The Petitioner is a workman of licensed contractor of II Party/ Management namely M/s. VSK Projects (P.) Ltd. The Petitioner through his union affiliated to Tamil Manila Trade Union Congress raised dispute against the contractor of Management for payment of bonus, minimum wages before this Court in August, 2003 under I.D. No.109/2003. Therefore, the Petitioner now cannot be heard to set up a new case that they are employees of II Party/Management. Further, the Petitioner filed an application under Minimum Wages Act jointly against the II Party/Management and the contractors seeking to pay E Grade Wages as per Cement Wages Settlement dated 14-8-2000. Against that order, the II Party/Management filed a Writ Petition and the Hon'ble High Court was pleased to stay the said order. Even in that petition, the Petitioner has admitted that he being an employee of the contractor of the II Party/Management and therefore, now he cannot state that he is an employee of the Respondent/Management. The II Party/ Management has always been engaging licensed contractors to do the work of mining of lime deposits. Since the Petitioner claims to work in mini cement plant, which does not come within the purview of Arbitration Award dated 20-7-1983 and provident fund is paid by the contractors for their workmen and not by II Party/ Management. Since the Petitioner is not an employee under Respondent/Management, this Respondent is not a necessary party to this dispute. The Petitioner ought to have filed the above dispute against the contractor and not this Respondent. Hence, the Respondent prays to dismiss the claim with costs.

5. In these circumstances, the point for my consideration is—

(i) "Whether the claim of the Petitioner for continuity of service, regularisation with back wages and all benefits against the Respondent/ Management is legal and justified?"

(ii) "To what relief the Petitioner is entitled?"

Point No. 1:

6. This matter is pending for enquiry for a long time and neither the Petitioner nor his counsel on record appeared for enquiry before this Tribunal for which, the Respondent represented through their advocate on 28-7-2005. Since the Respondent objected for the adjournment of hearing and since neither the Petitioner nor his advocate appeared before this Court for the fourth time, the Petitioner was called absent and set ex-parte.

7. In this case, though the Petitioner alleged that he worked under the Respondent/Management from 15-1-2001, he has not produced any document to substantiate his claim. On the other hand, the Respondent alleged that for mining work, they have entered into contract with M/s. VSK Projects (P) Ltd. and the Petitioner is only an employee under VSK Projects (P.) Ltd. When the Respondent alleged that he is only an employee under the contractor, the bounden duty to prove the fact that the Petitioner was an employee under II Party/ Management is on the Petitioner.

8. But, as I have already stated that the Petitioner has not produced any document to substantiate his claim nor he appeared before this Court to give any oral evidence. Under such circumstances, I find the Petitioner has not established before this Tribunal as he is an employee under the Respondent/Management. Since he has not established this fact, he is not entitled to the claim of regularisation and other consequential benefits. As such, I find this point against the Petitioner.

Point No. 2 :

The next point to be decided in this case is to what relief, the Petitioner is entitled?

9. In view of the foregoing findings, I find the Petitioner is not entitled to any relief. No costs.

10. The reference is thus, disposed of accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 4th August, 2005)

K. JAYARAMAN, Presiding Officer

नई दिल्ली, 17 अप्रैल, 2006

का.आ. 1761—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ग्रासीम इण्डस्ट्रीज लि. के प्रबंधतत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चैन्नई के पंचाट (संदर्भ संख्या आई.डी. 360/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-4-2006 को प्राप्त हुआ था।

[सं. एल-29012/15/2004-आई आर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 17th April, 2006

S.O. 1761.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. I.D.-360/2004) of the Central Government Industrial/Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Grasim Indutries Ltd. and their workman, which was received by the Central Government on 13-4-2006.

[No. L-29012/15/2004-IR (M)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Thursday, the 4th August, 2005

PRESENT

K. JAYARAMAN, Presiding Officer

Industrial Dispute No. 360/2004

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of Grasim Industries Ltd., Grasim Cement Division (S) and their workman)

BETWEEN

Sri V. Ramalingam : I Party/Petitioner

AND

The Joint President, Grasim Industries Ltd. Grasim Cement Division (S) Reddipalayam Post. : II Party/Management

APPEARANCE:

For the Workman : M/s. Sivam, S. Subramaniam & Balaji, Advocates

For the Management : M/s. Meenakshisundaram & Dwarakanatham, Advocates

AWARD

The Central Government, Ministry of Labour vide Notification Order No.L-29012/15/2004-IR(M) dated 31-3-2004 has referred the following industrial dispute to this Tribunal for adjudication :—

> "Whether the claim of Shri V. Ramalingam for continuity of service, regularisation with back wages and all benefits against the management of Grasim Industries Ltd., Cement Division (South) Reddipalayam, Ariyalur is legal and justified? If not, to what relief the workman is entitled?"

2. After the receipt of the reference, it was taken on file as I.D. No. 360/2004 and notices were issued to both the parties. Both sides have entered appearance through their advocates and filed their Claim Statement and Counter Statement respectively.

3. The allegations in the Claim Statement are briefly as follows:—

The Petitioner is a worker under the II Party/ Management from 15-1-2001 and engaged in mining works. He has worked continuously for more than 500 days and there was licensed contractor to engage workers in this kind of mining works. One Dharani cement was the previous owner of the cement plant which was subsequently taken over by the II Party/Management as Grasim Cement Division. The II Party/Management was using 26 employees like the Petitioner and the post is permanent and continuous one and therefore, the worker is also deemed to be a permanent worker. The Petitioner was one of the land owners in the said area and was previously doing agriculture in the land and the said lands were acquired for the purpose of setting up of II Party/ Management cement plant in the year 1994-95. At the time of purchase of lands, it was promised that II Party/ Management for whom the lands were being acquired

would employ all those whose land had been acquired. Therefore, the Petitioner's legitimate expectation that he would be made a permanent employee of the II Party/Management. The Petitioner was engaged as water pump and mining helper and now he is presently working as helper in the mining with the present wages of Rs.100 per day. The II Party/Management is under the control of Cement Wages Settlement Board and as per the Wages Board and as per Mines Act, no person should be employed under contract labour in extricating work especially relating to mines. For the benefit of the Petitioner and other labourers, a collective group provident fund account had been opened with contribution from the II Party/Management and amounts are then divided and given credit to each individual. The I Party Petitioner is entitled to get his service regularised with all benefits and back wages and hence, he raised this dispute. The II Party/Management's action in not regularising the service even after more than 500 days of continuous service in a permanent vacancy is illegal, arbitrary and unjust and Respondent/management cannot plead estoppel after agreeing to give permanent employment to those persons whose lands were acquired for the plant. Hence, for all these reasons, he prays this Tribunal to regularise the services of the Petitioner with back wages and other monetary benefits with contiunity of service.

4. As against this, the Respondent in its Counter Statement contended that the I Party/Workman has never been an employee of the II Party/Management. The Petitioner is a workman of licensed contractor of II Party/Management namely M/s. VSK Projects (P.) Ltd. The Petitioner through his union affiliated to Tamil Manila Trade Union Congress raised dispute against the contractor of Management for payment of bonus, minimum wages before this Court in August, 2003 under I.D. No.109/2003. Therefore, the Petitioner now cannot be heard to set up a new case that they are employees of II Party/Management. Further, the Petitioner filed an application under Minimum Wages Act jointly against the II Party/Management and the contractors seeking to pay E Grade Wages as per Cement Wages Settlement dated 14-8-2000. Against that order, the II Party/Management filed a Writ Petition and the Hon'ble High Court was pleased to stay the said order. Even in that petition, the Petitioner has admitted that he being an employee of the contractor of the II Party/Management and therefore, now he cannot state that he is an employee of the Respondent/Management. The II Party/Management has always been engaging licensed contractors to do the work of mining of lime deposits. Since the Petitioner claims to work in mini cement plant, which does not come within the purview of Arbitration Award dated 20-7-1983 and provident fund is paid by the contractors for their workman and not by II Party/Management. Since the Petitioner is not an employee under Respondent/Management, this Respondent is not a necessary party to this dispute. The Petitioner ought to have filed the above dispute against the contractor and not this Respondent. Hence, the Respondent prays to dismiss the claim with costs.

5. In these circumstances, the point for my consideration is—

(i) "Whether the claim of the Petitioner for continuity of service, regularisation with back wages and all benefits against the Respondent/Management is legal and justified?

(ii) "To what relief the Petitioner is entitled?"

Point No. 1 :

6. This matter is pending for enquiry for a long time and neither the Petitioner nor his counsel on record appeared for enquiry before this Tribunal for which, the Respondent represented through their advocate on 28-7-2005. Since the Respondent objected for the adjournment of hearing and since neither the Petitioner nor his advocate appeared before this Court for the fourth time, the Petitioner was called absent and set ex-parte.

7. In this case, though the Petitioner alleged that he worked under the Respondent/Management from 15-1-2001, he has not produced any document to substaintiate his claim. On the other hand, the Respondent alleged that for mining work, they have entered into contract with M/s. VSK Projects (P) Ltd. and the Petitioner is only an employee under VSK Projects (P) Ltd. When the Respondent alleged that he is only an employee under the contractor, the bounden duty to prove the fact that the Petitioner was an employee under II Party/Management is on the Petitioner.

8. But, as I have already stated that the Petitioner has not produced any document to substantiate his claim nor he apeared before this Court to give any oral evidence. Under such circumstances, I find the Petitioner has not established before this Tribunal as he is an employee under the Respondent/Management. Since he has not established this fact, he is not entitled to the claim of regularisation and other consequential benefits. As such, I find this point against the Petitioner.

Point No. 2 :

The next point to be decided in this case is to what relief, the Petitioner is entitled?

9. In view of the foregoing findings, I find the Petitioner is not entitled to any relief. No costs.

10. The reference is thus, disposed of accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 4th August, 2005.)

K. JAYARAMAN, Presiding Officer

नई दिल्ली, 17 अप्रैल, 2006

का. आ. 1762.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यूको बैंक के प्रबन्धतंत्र के सम्बद्ध नियजोकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-1, धनबाद के पंचाट (संदर्भ संख्या 125/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-4-2006 को प्राप्त हुआ था।

[सं. एल-12012/189/93-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 17th April, 2006

S.O. 1762.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 125/94) of the Central Govt. Industrial-Tribunal-cum-Labour Court, No. 1, Dhanbad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of UCO Bank and their workman, which was received by the Central Government on 13-04-2006.

[No. L-12012/189/93-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference U/s. 10(1)(d) of I.D. Act,

Reference No. 125 of 1994.

Parties: Employers in relation to the management of UCO Bank, Jamshedpur.

AND

Their workmen.

PRESENT: SHRI SARJU PRASAD, Presiding Officer

APPEARANCES:

For the Employers : Shri D.K. Verma, Advocatre.

For the Workmen : Shri D. Mukherjee, Advocate.

State : Jharkhand. Industry : Bank

Dated, the 24th March, 2006.

AWARD

By Order No. L-12012/189/93-IR (B-II) dated 17th May, 1994 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-sec. (1) of Section 10 of the Industrial Disptues Act, 1947, referred the following dispute for adjudication to this Tribunal :

> "Whether the demand of UCO Bank Employees' Association, Jamshedpur on the management of UCO Bank, Jamshedpur for regularisation of the services of Shri Jaidev Laha, Casual Workman is justified ? If so, what relief is he said workman entitled to?"

2. The case of the sponsoring union is that Jaidev Laha, the concerned workman, is working at UCO Bank Jamshedpur since 1988 continuously to the satisfaction of the management as per direction of the management still the management is neither treating him as casual workman or permanent workman, rather the management is exploiting him due to un-employment condition and is making payment of wages at a very low rate. The union on behalf of the concerned workman represented before the management for his regularisation as permanent workmen and for wages and other facilities of permanent workman but without any effect. The work of the concerned workman is of permanent nature yet he has not been regularised as permanent workman, therefore, the present dispute has been raised for regularisation of service of Jaidev Laha as casual workman.

3. The case of the management of UCO Bank, Jamshedpur is that there is no relationship of employer and employee between the management and the concerned workman and as a matter of fact he has been provided a space in the premises of the Bank from where he supplies tea to the employees and customers of the Bank on payment basis. He also supplies drinking water to the employees of the Bank. Further, according to the management of UCO Bank. Further, according to the management of UCO Bank the sponsoring union has no right to sponsor the case of the concerned workman as he is not a member of that union and the reference is bad.

4. Although the management has denied the relationship of employer and employee between the management and the concerned workman, but from the evidence of MW-1 and MW-2 it appears that he is continuously supplying water to the employees of the Bank. From the evidence of these two witnesses and also the evidence of the concerned workman, Jaidev Laha it appears that he not only supplies water to the employees but also carries ledger from one table to other and for that purpose he makes entry in the Peon Book also. He has filed xerox copy of Peon Book which has been marked Ext. W-1. The evidence of the management is that the concerned workman is paid Rs. 18/- per day only by voucher, but the management has not filed any voucher or the extract copy of the Cash Book to show how many days he had worked in UCO Bank in a calendar year. on the other hand, an application was filed by the concerned workman in this Tribunal calling for the vouchers and Cash Book in which there are entries of the vouchers to prove that he is continuously working in the Bank for all the working days. Therefore his attendance in a year is more than 240 days. The management was also directed to produce Peon Book and besides, the voucherrs and extract of Cash Book, but the management has not filed the same. Therefore, it shall be presumed that the management has suppressed vouchers, cash book and peon book only because the same would have supported the case of the concerned workman.

The concerned workman has stated that he is still working on payment of wages by vouchers and this fact finds admitted by the management's witness also. Thus, it

is clear that the concerned workman is working in the Bank as supplier of the water and also as the peon in the Bank yet he is not getting proper remuneration. He is in the service of the Bank for last 18 years. He is rendering service for the benefit of the Bank for a such long time, therefore, in my opinion the demand of the concerned workman to regularise his as casual worker is justified.

5. In the result, I render following award—

The demand of the sponsoring union to regularise the concerned workman, Jaidev Laha, as casual workman of the Bank is fully justified and he is entitled for regularisation on permanent basis as and when there is permanent vacancy in the said Bank. He is also entitled for payment of wages as prescribed for casual workmen of the Bank. The management is directed to implement the award within 30 days from the date of publication of the award, failing which the concerned workman shall be entitled for wages as prescribed for casual workmen in the category as prescribed for the time being.

SARJU PRASAD, Presiding Officer

नई दिल्ली, 17 अप्रैल, 2006

का. आ. 1763.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ओरिएंटल इंश्योरेंश कम्पनी के प्रबन्धतंत्र के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-II, नई दिल्ली के पंचाट (संदर्भ संख्या आई. डी. 44/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-4-2006 को प्राप्त हुआ था।

[सं. एल-17012/16/2001-आई आर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 17th April, 2006

S.O. 1763.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. ID-44/2001) of the Central Government Indusrial-Tribunal-cum-Labour Court-II, New Delhi as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Oriental Insurance Co. and their workman, which was received by the Central Government on 13-4-2006.

[No. L-17012/16/2001-IR (M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE PRESIDING OFFICER: CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

PRESIDING OFFICER: R. N. RAI I.D. No. 44/2001

IN THE MATTER OF :

Shri Rajendra Prasad Mishra,
A.O. Block, Klakunj, Hanuman Mandir,
Shalimar Bagh, Nikhar prem Bari Pul,
New Delhi-110052.

Versus

The Sr. Divisional Manager,
Oriental Insurance Co. Ltd.,
IX Floor, Jeevan Bharti Building,
Cannought Place,
New Delhi-110001.

AWARD

The Ministry of labour by its letter No. L-17012/16/2001-IR (B-II) Central Government Dt. 16-07-2001 has referred the following point for adjudicaiton.

The point runs as hereunder :—

"Whether any employer-employee relationship exists between the management of Oriental insurance Co. Ltd. and Shri Rajendra Prashad Mishra? If so, whether the action of the management of Oriental Insurance Company Ltd. in disallwoing Shri Rajendra Prashad Mishra from the services w.e.f. 24-4-2000 is legal and just? If not, what relief the said workman is entitled and from what date."

2. The workman has filed claim statement and the management has also replied to the same. It transpires from perusal of the order sheet that the workman has not been turning up since 4-2-2004. The management has been present all along. Notice has been issued to the workman still he did not turn up. Several dates have been given for filing rejoinder. The workman has not filed rejoinder. So opportunity of filing rejoinder has been closed.

No dispute award is given.

Date : 3-4-2006 R. N. RAI, Presiding Officer

नई दिल्ली, 17 अप्रैल, 2006

का. आ. 1764.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ग्रासीम इण्डस्ट्रीज लि. के प्रबन्धतंत्र के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट (संदर्भ संख्या आई. डी. 372/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-4-2006 को प्राप्त हुआ था।

[सं. एल-29012/3/2004-आई आर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 17th April, 2006

S.O. 1764.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. ID 372/2004) of the Central Government Industrial-Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Grasim Industries Ltd. and their workman, which was received by the Central Government on 13-04-2006.

[No. L-29012/3/2004-IR (M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Thursday, the 4th August, 2005

PRESENT:

K. Jayaraman, Presiding Officer

Industrial Dispute No. 372/2004

[In the matter of dispute for adjuducation under clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of Grasim Industries Ltd. Grasim Cement Division (S) and their workman]

BETWEEN

Sri K.Chandrakasan, : Ist Party/Petitioner

AND

The Joint President, Grasim Industries Ltd. Grasim Cement Division (S) Reddipalayam Post. : II Party/Management

APPEARANCE:

For the Workman : M/s. Sivam, S. Subramaniam & Balaji, Advocates

For the Management: M/s. Meenakshisundaram & Dwarkanatham, Advocates

AWARD

The Central Government, Ministry of Labour vide Notification Order No. L-29012/3/2004-IR (M) dated 31-3-2004 has referred the following industrial dispute to this Tribunal for adjudication :—

> "Whether the claim of Shri K. Chandrakasan for continuity of service, regularisation with back wages and all benefits against the management of Grasim Industries Ltd., Cement Division (South) Reddipalayam, Ariyalur is legal and justified? If not, to what relief the workman is entitled"

2. After the receipt of the reference, it was taken on file as I.D. No. 372/2004 and notices were issued to both the parties. Both sides have entered appearance through their advocates and filed Claim Statement and Counter Statement respectively.

3. The allegations in the Claim Statement are briefly as follows :—

The Petitioner is a worker under the II Party/ Management from 15-1-2001 and engaged in mining works. He has worked continuously for more than 500 days and there was licensed contractor to engage workers in this kind of mining works. One Dharani Cement was the previous owner of the cement plant which was subsequently taken over by the II Party/Management as Grasim Cement Division. The II Party/Management was using 26 employees like the Petitioner and the post permanent and continuous one and therefore, the worker is also deemed to be a permanent worker. The Petitioner was one of the land owners in the said area and was previously doing agriculture in the land and the said lands were acquired for the purpose of setting upto of II Party/Management cement plant in the year 1994-95. At the time of purchase of lands, it was promised that II Party/Management for whom the lands were being acquired would employ all those whose land had been acquired. Therefore, the Petitioner's legitimate expectation that he would be made a permanent employee of the II Party/Management. The Petitioner was engaged as water pump and mining helper and now he is presently working as helper in the mining with the present wages of Rs. 100 per day. The II Party/Management is under the control of Cement Wages Settlement Board and as per the wages board and as per Mines Act, no person should be employed under contract labour in extricating work especially relating to mines. For the benefits of the Petitioner and other labourers, a collective group provident fund account had been opened with contribution from the II Party/Management and amounts are then divided and given credit to each individual. The I Party Petitioner is entitled to get his service regularised with all benefits and back wages and hence, he raised this dispute. The II Party/ Management's action in not regularising the service even after more than 500 days of continuous service in a permanent vacancy is illegal, arbitrary and unjust and Respondent/Management cannot plead estoppel after agreeing to give permanent employment to those persons whose lands were acquired for the plant. Hence, for all these reasons, he prays this Tribunal to regularise the services of the Petitioner with back wages and other monetary benefits with continuity of service.

4. As against this, the Respondent in its Counter Statement contended that the I Party/Workman has never been an employee of the II Party/Management. The Petitioner is a workman of licensed contractor of II Party/ Management namely M/s. VSK Projects (P) Ltd., the Petitioner through his union affiliated to Tamil Manila Trade Union Congress raised dispute against the contractor of Management for payment of bonus, minimum wages before this Court in August, 2003 under ID. No. 109/2003. Therefore, the Petitioner now cannot be heard to set up a new case that they are employees of II Party/Management. Further the Petitioner filed an application under Minimum Wages Act jointly against the II Party/Management and the contractors seeking to pay E Grade Wages as per Cement Wages Settlement dated 14-8-2000. Against that order, the II Party/Management filed a Writ Petition and the Hon'ble High Court was pleased to stay the said order. Even in that petition, the Petitioner has admitted that he being an employees of the contractor of the II Party/ Management and therefore, now he cannot state that he is an employee of the Respondent/Management. The II Party/ Management has always been engaging licensed contractors to do the work of mining of lime deposits. Since the Petitioner claims to work in mini cement plant, which does not come within the purview of Arbitration Award

dated 20-7-1983 and the provident fund is paid by the contractors for their workmen and not by II Party/ Management. Since the Petitioner is not an employee under Respondent/Management, this Respondent is not a necessary party to this dispute. The Petitioner ought to have filed the above dispute against the contractor and not this Respondent. Hence, the Respondent prays to dismiss the claim with costs.

5. In these circumstances, the point for my consideration is—

(i) "Whether the claim of the Petitioner for continuity of service, regularisation with back wages and all benefits against the Respondent/ Management is legal and justified?"

(ii) "To what relief the Petitioner is entitled?"

Point No. 1 :—

6. This matter is pending for enquiry for a long time and neither the Petitioner nor his counsel on record appeared for enquiry before this Tribunal for which, the Respondent represented through their advocate on 28-7-2005. Since the Respondent objected for the adjournment of hearing and since neither the Petitioner nor his advocate appeared before this Court for the fourth time, the Petitioner was called absent and set ex-parte.

7. In this case, though the Petitioner alleged that he worked under the Respondent/Management from 15-1-2001, he has not produced any document to substantiate his claim. On the other hand, the Respondent alleged that for mining work, they have entered into contract with M/s. VSK Projects (P) Ltd. and the Petitioner is only an employee under VSK Projects (P) Ltd. When the Respondent alleged that he is only an employee under the contrator, the bounden duty to prove the fact that the Petitioner was an employee under II Party/Management is on the Petitioner.

8. But, as I have already stated that the Petitioner has not produced any document to substantiate his claim nor he appeared before this Court to give any oral evidence. Under such circumstances, I find the Petitioner has not established before this Tribunal as he is an employee under the Respondent/Management. Since he has not established this fact, he is not entitled to the claim of regularisation and other consequential benefits. As such, I find this point against the Petitioner.

Point No. 2 :—

The next point to be decided in this case is to what relief, the Petitioner is entitled?

9. In view of the foregoing findings, I find the Petitioner is not entitled to any relief. No costs.

10. The reference is thus, disposed of accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 4th August, 2005.)

K. JAYARAMAN, Presiding Officer

नई दिल्ली, 17 अप्रैल, 2006

का. आ. 1765.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ग्रासीम इण्डस्ट्रीज लि. के प्रबन्धतंत्र के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चैन्नई के पंचाट (संदर्भ संख्या आई.डी. 366/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-4-2006 को प्राप्त हुआ था।

[सं. एल-29012/10/2004-आई आर (विविध)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 17th April, 2006

S.O. 1765.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. ID-366/2004) of the Central Government Indusrial-Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Grasim Industries Ltd. and their workman, which was received by the Central Government on 13-04-2006.

[No. L-29012/10/2004-IR (M)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Thursday, the 4th August, 2005

PRESENT : Shri K. Jayaraman, Presiding Officer

Industrial Dispute No. 366/2004

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) between the Management of Grasim Industries Ltd., Grasim Cement Division(S) and their workman.]

BETWEEN:

Sri Karunanithi : I Party/Petitioner.

AND

The Joint President Grasim Industries Ltd./ Grasim Cement Division(S) Reddipalayam Post. : II Party/Management

APPEARANCE:

For the Workman : M/s. Sivam, S. Subramaniam & Balaji, Advocates

For the Management : M/s. Meenakshisundaram & Dwarakanatham, Advocate

AWARD

The Central Government, Ministry of Labour vide Notification Order No. L-29012/10/2004-IR(M) dated 31-03-2004 has referred the following industrial dispute to this Tribunal for adjudication :—

"Whether the claim of Shri Karunanithi for continuity of service, regularisation with back wages and all benefits against the management of Grasim Industries Ltd., Cement Division (South) Reddipalayam, Ariyalur is legal and justified? If not, to what relief the workman is entitled?"

2. After the receipt of the refernece, it was taken on file as I.D. No. 366/2004 and notices were issued to both the parties. Both sides have entered appearance through their advocates and filed Claim Statement and Counter Statement respectively.

3. The allegations in the Claim Statement are briefly as follows :—

The Petitioner is a worker under the II Party/ Management from 15-1-2001 and engaged in mining works. He has worked continuously for more than 500 days and there was licensed contractor to engage workers in this kind of mining works. One Dharani cement was the previous owner of the cement plant which was subsequently taken over by the II Party/Management as Grasim Cement Division. The II Party/Management was using 26 employees like the Petitioner and the post is permanent and continuous one and therefore, the worker is also deemed to be a permanent worker. The Petitioner was one of the land owners in the said area and was previously doing agriculture in the land and the said lands were acquired for the purpose of setting upon of II Party/Management cement plant in the year 1994-95. At the time of purchase of lands, it was promised that II Party/Management for whom the lands were being acquired would employ all those whose land had been acquired. Therefore, the Petitioner's legitimate expectation that he would be made a permanent employee of the II Party/ Management. The Petitioner was engaged as water pump and mining helper and now he is presently working as helper in the mining with the present wages of Rs. 100/- per day. The II Party/Management is under the control of cement wages settlement Board and as per the wages board and as per Mines Act, no person should be employed under contract labour in extricating work especially relating to mines. For the benefit of the Petitioner and other labourers, a collective group provident fund account had been opened with contribution from the II Party/ Management and amounts are then divided and given credit to each individual. The I Party Petitioner is entitled to get his service regularised with all benefits and back wages and hence, he raised this dispute. The II Party/Management's action is not regularising the service even after more than 500 days of continuous service in a permanent vacancy is illegal, arbitrary and unjust and Respondent/ Management cannot plead estoppel after agreeing to give permanent employment to those persons whose lands were acquired for the plant. Hence, for all these reasons, he prays this Tribunal to regularise the services of the Petitioner with back wages and other monetary benefits with continuity of service.

4. As against this, the Respondent in its Counter Statement contended that the I Party/Workman has never been an employee of the II Party/Managment. The Petitioner is a workman of licensed contractor of II Party/ Management namely M/s. VSK Projects P. Ltd. The Petitioner through his union affiliated to Tamil Manila Trade Union Congress raised dispute against the contractor of Management for payment of bonus, minimum wages before this Court in August, 2003 under I.D. No. 109/2003. Therefore, the petitioner now cannot be heard to set up a new case that they are employees of II Party/Management. Further, the Petitioner filed an application under Minimum Wages Act jointly against the II Party/Management and the contractors seeking to pay E Grade Wages as per Cement Wages Settlement dated 14-8-2000. Against that order, the II Party/Management filed a Writ Petition and the Hon'ble High Court was pleased to stay the said order. Even in that petition, the Petitioner has admitted that he being an employee of the contractor of the II Party/ Management and therefore, now he cannot state that he is an employee of the Respondent/Management. The II Party/ Management has always been engaging licensed contractors to do the work of mining of lime deposits. Since the Petitioner claims to work in mini cement Plant, which does not come within the purview of Arbitration Award dated 20-7-1983 and the provident fund is paid by the contractors for their workmen and not by II Party/ Management. Since the Petitioner is not an employee under Respondent/Management, this Respondent is not a necessary party to this dispute. The Petitioner ought to have filed the above dispute against the contractor and not this Respondent. Hence, the Respondent prays to dismiss the claim with costs.

5. In these circumstances, the point for my consideration is—

(i) "Whether the claim of the Petitioner for continuity of service, regularisation with back wages and all benefits against the Respondent/ Management is legal and justified?"

(ii) "To what relief the Petitioner is entitled?"

Point No. 1 :

6. This matter is pending for enquiry for a long time and neither the Petitioner nor his counsel on record appeared for enquiry before this Tribunal for which, the Respondent represented through their advocate on 28-7-2005. Since the Respondent objected for the adjournment of hearing and since neither the Petitioner nor his advocate appeared before this Court for the fourth time, the Petitioner was called absent and set *ex-parte*.

7. In this case, though the Petitioner alleged that he worked under the Respondent/Management from

15-1-2001, he has not produced any document to substantiate his claim. On the other hand, the Respondent alleged that for mining work, they have entered into contract with M/s. VSK Projects (P) Ltd. and the Petitioner is only an employee under VSK Projects P. Ltd. When the Respondent alleged that he is only an employee under the contrator, the bounden duty to prove the fact that the Petitioner was an employee under II Party/Management is on the Petitioner.

8. But, as I have already stated that the Petitioner has not produced any document to substantiate his claim nor he.appeared before this Court to give any oral evidence. Under such circumstances, 1 find the Petitioner has not established before this Tribunal as he is an employee under the Respondent/Management. Since he has not established this fact, he is not entitled to the claim of regularisation and other consequential benefits. As such, I find this point against the Petitioner.

Point No. 2 :—

The next point to be decided in this case is to what relief, the Petitioner is entitled?

9. In view of the foregoing findings, I find the Petitioner is not entitled to any relief. No costs.

10. The reference is thus, disposed of accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 4th August, 2005.)

K. JAYARAMAN, Presiding Officer

नई दिल्ली, 17 अप्रैल, 2006

का. आ. 1766.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ग्रासीम इण्डस्ट्रीज लि. के प्रबन्धतंत्र के सम्बद्ध नियजोकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चैन्नई के पंचाट (संदर्भ संख्या आई.डी. 367/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-4-2006 को प्राप्त हुआ था।

[सं. एल-29012/4/2004-आई आर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 17th April, 2006

S.O. 1766.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. ID-367/2004) of the Central Government Indusrial-Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Grasim Industries Ltd. and their workman, which was received by the Central Government on 13-4-2006.

[No. L-29012/4/2004-IR (M)]

B. M. DAVID, Under Scey.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Thursday, the 4th August, 2005

PRESENT : SHRI K. JAYARAMAN, Presiding Officer

Industrial Dispute No. 367/2004

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) between the Management of Grasim Industries Ltd. Grasim Cement Division (S) and their workman.

BETWEEN:

Sri K. Saminathan : I Party/Petitioner.

AND

The Joint President : II Party/Management.
Grasim Industries Ltd.
Grasim Cement Division (S)
Reddipalayam Post.

APPEARANCE:

For the Workman : M/s. Sivam, S. Subramaniam & Balaji, Advocates

For the Management : M/s. Meenakshisundaram & Dwarakanatham, Advocates

AWARD

The Central Government, Ministryof Labour vide Notification Order No. L-29012/4/2004-IR(M) dated 31-03-2004 has referred the following industrial dispute to this Tribunal for adjudication :-

"Whether the claim of Shri K. Saminathan for continuity of service, regularisation with back wages and all benefits against the management of Grasim Industries Ltd., Cement Division (South) Reddipalayam, Ariyalur is legal and justified? If not, to what relief the workman is entitled ?"

2. After the receipt of the reference, it was taken on file as I.D. No. 367/2004 and notices were issued to both the parties. Both sides have entered appearance through their advocates and filed Claim Statement and Counter Statement respectively.

3. The allegations in the Claim Statement are briefly as follows :—

The Petitioner is a worker under the II Party/ Management from 15-1-2001 and engaged in mining works. He has worked continuously for more than 500 days and there was licensed contractor to engage workers in this kind of mining works. One Dharani cement was the previous owner of the cement plant which was subsequently taken over by the II Party/ Management as Grasim Cement Division. The II Party/ Management was using 26 employees like the Petitioner and the post is permanent and continuous one and therefore, the worker is also deemed to be a permanent worker. The Petitioner was one of the land

owners in the said area and was previously doing agriculture in the land and the said lands were acquired for the purpose of setting up of II Party/ Management cement plant in the year 1994-95. At the time of purchase of lands, it was promised that II Party/Management for whom the lands were being acquired would employ all those whose land had been acquired. Therefore, the Petitioner's legitimate expectation that he would be made a permanent employee of the II Party/Management. The Petitioner was engaged as water pump and mining helper and now he is presently working as helper in the mining with the present wages of Rs.100/- per day. The II Party/Management is under the control of Cement Wages Settlement Board and as per the Wages Board and as per Mines Act, no person should be employed under contract labour in extricating work especially relating to mines. For the benefit of the Petitioner and other labourers, a collective group provident fund account had been opened with contribution from the II Party/Management and amounts are then divided and given credit to each individual. The I Party/ Petitioner is entittled to get his service regularised with all benefits and back ages and hence, he raised this dispute. The II Party/Management's action in not regularising the service even after more than 500 days of continuous service in a permanent vacancy is illegal, arbitrary and unjust and Respondent/Management cannot plead estoppel after agreeing to give permanent employment to those persons whose lands were acquired for the plant. Hence, for all these reasons, he prays this Tribunal to regularise the services of the Petitioner with back wages and other monetary benefits with continuity of service.

4. As against this, the Respondent in its Counter Statement contended that the I Party/Workman has never been an employee of the II Party/Managment. The Petitioner is a workman of licensed contractor of II Party/Management namely M/s. VSK Projects P. Ltd. The Petitioner through his union affiliated to Tamil Manila Trade Union Congress raised dispute against the contractor of Management for payment of bonus, minimum wages before this Court in August, 2003 under I.D. No. 109/2003. Therefore, the petitioner now cannot be heard to set up a new case that they are employees of II Party/Management. Further, the Petitioner filed an application under Minimum Wages Act jointly against the II Party/Management and the contractors seeking to pay E Grade Wages as per Cement Wages Settlement dated 14-8-2000. Against that order, the II Party/Management filed a Writ Petition and the Hon'ble High Court was pleased to stay the said order. Even in that petition, the Petitioner has admitted that he being an employee of the contractor of the II Party/Management and, therefore, now he cannot state that he is an employee of the Respondent/Management. The II Party/ Management has always been engaging licensed contractors to do the work of mining of lime deposits. Since the Petitioner claims to work in mini cement Plant, which does not come within the purview of Arbitration Award dated 20-7-1983 and the provident fund is paid by the contractors for their workmen and not by II Party/ Management. Since the Petitioner is not an employee under Respondent/Management, this Respondent is not a necessary party to this dispute. The Petitioner ought to have filed the above dispute against the contractor and not this Respondent. Hence, the Respondent prays to dismiss the claim with costs.

5. In these circumstances, the point for my consideration is :—

(i) "Whether the claim of the Petitioner for continuity of service, regularisation with back wages and all benefits against the Respondent/ Management is legal and justified?"

(ii) "To what relief the Petitioner is entitled?"

Point No. 1 :

6. This matter is pending for enquiry for a long time and neither the Petitioner nor his counsel on record appeared for enquiry before this Tribunal for which, the Respondent represented through their advocate on 28-7-2005. Since the Respondent objected for the adjournment of hearing and since neither the Petitioner nor his advocate appeared before this Court for the fourth time, the Petitioner was called absent and set ex-parte.

7. In this case, though the Petitioner alleged that he worked under the Respondent/Management from 15-1-2001, he has not produced any document to substantiate his claim. On the other hand, the Respondent alleged that for mining work, they have entered into contract with M/s. VSK Projects (P.) Ltd. and the Petitioner is only an employee under VSK Projects (P.) Ltd. When the Respondent alleged that he is only an employee under the contractor, the bounden duty to prove the fact that the Petitioner was an employee under II Party/Management is on the Petitioner.

8. But, as I have already stated that the Petitioner has not produced any document to substantiate his claim nor he appeared before this Court to give any oral evidence. Under such circumstances, I find the Petitioner has not established before this Tribunal as he is an employee under the Respondent/Management. Since he has not established this fact, he is not entitled to the claim of regularisation and other consequential benefits. As such, I find this point against the Petitioner.

Point No. 2 :—

The next point to be decided in this case is to what relief, the Petitioner is entitled?

9. In view of the foregoing findings, I find the Petitioner is not entitled to any relief. No costs.

10. The reference is thus, disposed of accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 4th August, 2005.)

K. JAYARAMAN, Presiding Officer

नई दिल्ली, 17 अप्रैल, 2006

का. आ. 1767—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ग्रासीम इण्डस्ट्रीज लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चैन्नई के पंचाट (संदर्भ संख्या आई. डी. 371/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-04-2006 को प्राप्त हुआ था।

[सं. एल-29012/6/2004-आई आर (विविध)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 17th April, 2006

S.O. 1767.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. ID-371/2004) of the Central Govt. Indus. Tribunal/ Labour Court, Chennai now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Grasim Industries Ltd. and their workman, which was received by the Central Government on 13-04-2006.

[No. L-29012/6/2004-IR (M)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Thursday, the 4th August, 2005

PRESENT: K.JAYARAMAN, Presiding Officer

INDUSTRIAL DISPUTE NO. 371/2004

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the management of Grasim Industries Ltd. Grasim Cement Division (S) and their workman).

BETWEEN:

Sri S. Karunamoorthi : I Party/Petitioner

AND:

The Joint President, Grasim Industries Ltd. Grasim Cement Division(S) Reddipalayam Post. : II Party/Management

Appearance:

For the Workman : M/s. Sivam, S.Subramaniam & Balaji, Advocates

For the Management : M/s. Meenakshisundaram & Dwarakanatham, Advocates

AWARD

The Government of India, Ministry of Labour, *vide* Notification order No. L-29012/6/2004-IR (M) dated 31-03-2004 has referred the following industrial dispute to this Tribunal for adjudication :—

"Whether the claim of Shri S. Karunamoorthi for countinuity of service, regularisation with back wages and all benefits against the management of grasim Industries Ltd., Cement Division (South) Reddipalayam, Ariyalur is legal and justified? If not, to what relief the workman is entitled?"

2. After the receipt of the reference, it was taken on file as I.D. No. 371/2004 and notices were issued to both the parties. Both sides have entered appearance through their advocates and filed Claim Statement and Counter Statement respectively.

3. The allegations in the Claim Statement are briefly as follows :—

The Petitioner is a worker under the II Party/ Management from 15-1-2001 and engaged in mining works. He has worked continuously for more than 500 days and there was licensed contractor to engage workers in this kind of mining works. One Dharani cement was the previous owner of the cement plant which was subsequently taken over by the II Party/Management as Grasim Cement Division. The II Party/Management was using 26 employees like the Petitioner and the post is permanent and continuous one and therefore, the worker is also deemed to be a permanent worker. The Petitioner was one of the land owners in the said area and was previously doing agriculture in the land and the said lands were acquired for the purpose of setting up of II Party/Management cement plant in the year 1994-95. At the time of purchase of lands, it was promised that II Party/ Management for whom the lands were being acquired would employ all those whose land had been acquired. Therefore, the Petitioner's legitimate expectation that he would be made a permanent employee of the II Party/Management. The Petitioner was engaged as water pump and mining helper and now he is presently working as helper in the mining with the present wages of Rs. 100/- per day. The II Party/Management is under the control of cement wages settlement Board and as per the wages board and as per Mines Act, no person should be employed under contract labour in extricating work especially relating to mines. For the benefit of the Petitioner and other labourers, a collective group provident fund account had been opened with contribution from the II Party/ Management and amounts are then divided and given credit to each individual. The I Party Petitioner is entitled to get his service regularised with all benefits and back wages and hence, he raised this dispute. The II Party/Management's action in not regularising the service even after more than 500 days of continuous service in a

permanent vacancy in illegal, arbitrary and unjust and Respondent/Management cannot plead estoppel after agreeing to give permanent employment to those persons whose lands were acquired for the plant. Hence, for all these reasons, he prays this Tribunal to regularise the services of the Petitioner with back wages and other monetary benefits with continuity of service.

4. As against this, the Respondent in its Counter Statement contended that the I Party/Workman has never been an employee of the II Party/Management. The Petitioner is a workman of licensed contractor of II Party/ Management namely M/s. VSK Projects P. Ltd. The Petitioner through his union affiliated to Tamil Manila Trade Union Congress raised dispute against the contractor of Management for payment of bonus, minimum wages before this Court in August, 2003 under I.D. No. 109/2003. Therefore, the Petitioner now cannot be heard to set up a new case that they are employees of II Party/Management. Further, the Petitioner filed an application under Minimum Wages Act jointly against the II Party/Management and the contractor seeking to pay E Grade Wages as per cement Wages Settlement dated 14-8-2000. Against that order, the II Party/ Management filed a Writ Petition and the Hon'ble High Court was pleased to stay the said order. Even in that petition, the Petitioner has admitted that he being an employee of the contractor of the II Party/Management and therefore, now he cannot state that he is an employee of the Respondent/Management. The II Party/ Management has always been engaging licensed contractors to do the work of mining of lime deposits. Since the Petitioner claims to work in mini cement plant, which does not come within the purview of Arbitration Award dated 20-7-1983 and the provident fund is paid by the contractors for their workmen and not by II Party/ Management. Since the Petitioner is not an employee under Respondent/Management, this Respondent is not a necessary party to this dispute. The Petitioner ought to have filed the above dispute against the contractor and not this Respondent. Hence, the Respondent prays to dismiss the claim with costs.

5. In these circumstances, the point for my consideration is :—

(i) "Whether the claim of the Petitioner for continuity of service, regularisation with back wages and all benefits against the Resondent/ Management is legal and justified?"

(ii) "To what relief the Petitioner is entitled?"

Point no. 1 :

6. This matter is pending for enquiry for a long time and neither the Petitioner nor his counsel on record appeared for enquiry before this Tribunal for which, the Respondent represented through their advocate on 28-7-2005. Since the Respondent objected for the adjournment of hearing and since neither the Petitioner nor his advocate appeared before this Court for the fourth time, the Petitioner was called absent and set ex-parte.

7. In this case, though the Petitioner alleged that he worked under the Respondent/Management from 15-1-2001, he has not produced any document to substantiate his claim. On the other hand, the Respondent alleged that for mining work, they have entered into contract with M/s. VSK Projects (P) Ltd. and the Petitioner is only an employee under VSK Projects P. Ltd. When the Respondent alleged that he is only an employee under the contractor, the bounden duty to prove the fact that the Petitioner was an employee under II Party/Management is on the Petitioner.

8. But, as I have already stated that the Petitioner has not produced any document to substantiate his claim nor he appeared before this Court to give any oral evidence. Under such circumstances, I find the Petitioner has not established before this Tribunal as he is an employee under the Respondent/Management. Since he has not established this fact, he is not entitled to the claim of regulrisation and other consequential benefits. As such, I find this point against the Petitioner.

Point No. 2 :—

The next point to be decided in this case is to what relief, the Petitioner is entitled?

9. In view of the foregoing findings, I find the Petitioner is not entitled to any relief. No costs.

10. The reference is thus, disposed of accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 4th August, 2005.)

K. JAYARAMAN, Presiding Officer

नई दिल्ली, 17 अप्रैल, 2006

का. आ. 1768—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ग्रासीम इण्डस्ट्रीज लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चैन्नई के पंचाट (संदर्भ संख्या आई. डी. 370/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-04-2006 को प्राप्त हुआ था।

[सं. एल-29012/7/2004-आई आर (विविध)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 17th April, 2006

S.O. 1768.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. ID-370/2004) of the Central Govt. Indus. Tribunal-cum-Labour Court, Chennai now as shown in the Annexure, in the Industrial dispute between the management of

Grasim Industries Ltd. and their workman, received by the Central Government on 13-04-2006

[No. L-29012/7/2004-IR (M)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Thursday, the 4th August, 2005

PRESENT : K. JAYARAMAN, Presiding Officer

INDUSTRIAL DISPUTE NO. 370/2004

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the management of Grasim Industries Ltd. Grasim Cement Division (S) and their workman)

BETWEEN :

Sri N. Chinnadurai : I Party/Petitioner

AND :

The Joint President, Grasim Industries Ltd. Grasim Cement Division(S) Reddipalayam Post. : II Party/Management

APPEARANCE :

For the Workman : M/s. Sivam, S.Subramaniam & Balaji, Advocates

For the Management : M/s. Meenakshisundaram & Dwarakanatham, Advocates

AWARD

The Central Government, Ministry of Labour, *vide* Notification Order No. L-29012/7/2004-IR (M) dated 31-03-2004 has referred the following industrial dispute to this Tribunal for adjudication :—

> "Whether the claim of Shri N. Chinnadurai for continuity of service, regularisation with back wages and all benefits against the management of Grasim Industries Ltd., Cement Division (South) Reddipalayam, Ariyalur is legal and justified? If not, to what relief the workman is entitled?"

2. After the receipt of the reference, it was taken on file as I.D. No. 370/2004 and notices were issued to both the parties. Both sides have entered appearance through their advocates and filed Claim Statement and Counter Statement respectively.

3. The allegations in the Claim Statement are briefly as follows :—

The Petitioner is a worker under the II Party/Management from 15-1-2001 and engaged in mining works. He has worked continuously for more than 500 days and there was licensed contractor to engage workers in this kind of mining works. One Dharani cement was the previous owner of the cement plant which was subsequently taken over by the II Party/Management as Grasim Cement Division. The II Party/Management was using 26 employees like the Petitioner and the post is permanent and continuous one and therefore, the worker is also deemed to be a permanent worker. The Petitioner was one of the land owners in the said area and was previously doing agriculture in the land and the said lands were acquired for the purpose of setting up of II Party/Management cement plant in the year 1994-95. At the time of purchase of lands, it was promised that II Party/Management for whom the lands were being acquired would employ all those whose land had been acquired. Therefore, the Petitioner's legitimate expectation that he would be made a permanent employee of the II Party/Management. The Petitioner was engaged as water pump and mining helper and now he is presently working as helper in the mining with the present wages of Rs. 100/- per day. The II Party/Management is under the control of cement wages settlement Board and as per the wages board and as per Mines Act, no person should be employed under contract labour in extricating work especially relating to mines. For the benefit of the Petitioner and other labourers, a collective group provident fund account had been opened with contribution from the II Party/Management and amounts are then divided and given credit to each individual. The I Party Petitioner is entitled to get his service regularised with all benefits and back wages and hence, he raised this dispute. The II Party/Management's action in not regularising the service even after more than 500 days of continuous service is a permanent vacancy is illegal, arbitrary and unjust and Respondent/Management cannot plead estoppel after agreeing to give permanent employment to those persons whose lands were acquired for the plant. Hence, for all these reasons, he prays this Tribunal to regularise the services of the Petitioner with back wages and other monetary benefits with continuity of service.

4. As against this, the Respondent in its Counter Statement contended that the I Party/Workman has never been an employee of the II Party/Management. The Petitioner is a workman of licensed contractor of II Party/Management namely M/s. VSK Projects P. Ltd. The Petitioner through his union affiliated to Tamil Manila Trade Union Congress raised dispute against the contractor of Management for payment of bonus, minimum wages before this Court in August, 2003 under I.D. No. 109/2003. Therefore, the Petitioner now cannot be heard to set up a new case that they are employees

of II Party/Management. Further, the Petitioner filed an application under Minimum Wages Act jointly against the II Party/Management and the contractors seeking to pay E Grade Wages as per Cement Wages Settlement dated 14-8-2000. Against that order, the II Party/ Management filed a Writ Petition and the Hon'ble High Court was pleased to stay the said order. Even in that petition, the Petitioner has admitted that he being an employee of the contractor of the II Party/Management and therefore, now he cannot state that he is an employee of the Respondent/Management. The II Party/ Management has always been engaging licensed contractors to do the work of mining of lime deposits. Since the Petitioner claims to work in mini cement plant, which does not come within the purview of Arbitration Award dated 20-7-1983 and the provident fund is paid by the contractors for their workmen and not by II Party/ Management. Since the Petitioner is not an employee under Respondent/Management, this Respondent is not a necessary party to this dispute. The Petitioner ought to have filed the above dispute against the contractor and not this Respondent. Hence, the Respondent prays to dismiss the claim with costs.

5. In these circumstances, the point for my consideration is,–

(i) "Whether the claim of the Petitioner for continuity of service, regularisation with back wages and all benefits against the Resondent/ Management is legal and justified?

(ii) "To what relief the Petitioner is entitled"

Point No. 1 :—

6. This matter is pending for enquiry for a long time and neither the Petitioner nor his counsel on record appeared for enquiry before this Tribunal for which, the Respondent represented through their advocate on 28-7-2005. Since the Respondent objected for the adjournment of hearing and since neither the Petitioner nor his advocate appeared before this Court for the fourth time, the Petitioner was called absent and set ex-parte.

7. In this case, though the Petitioner alleged that he worked under the Respondent/Management from 15-1-2001, he has not produced any document to substantiate his claim. On the other hand, the Respondent alleged that for mining work, they have entered into contract with M/s. VSK Projects (P) Ltd. and the Petitioner is only an employee under VSK Projects P. Ltd. When the Respondent alleged that he is only an employee under the contractor, the bounden duty to prove the fact that the Petitioner was an employee under II Party/Management is on the Petitioner.

8. But, as I have already stated that the Petitioner has not produced any document to substantiate his claim nor he appeared before this Court to give oral evidence. Under such circumstances, I find the Petitioner has not established before this Tribunal as he is an employee under the Respondent/Management. Since he has not established this fact, he is not entitled to the claim of regularisation and other consequential benefits. As such, I find this point against the Petitioner.

Point No. 2 :—

The next point to be decided in this case is to what relief, the Petitioner is entitled?

9. In view of the foregoing findings, I find the Petitioner is not entitled to any relief. no costs.

10. The reference is thus, disposed of accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 4th August, 2005.)

K. JAYARAMAN, Presiding Officer.

नई दिल्ली, 17 अप्रैल, 2006

का. आ. 1769—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ग्रासीम इण्डस्ट्रीज लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चैन्नई के पंचाट (संदर्भ संख्या आई. डी. 369/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-04-2006 को प्राप्त हुआ था।

[सं. एल-29012/8/2004-आई आर (विविध)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 17th April, 2006

S.O. 1769.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. ID-369/2004) of the Central Govt. Indus. Tribunal-cum-Labour Court, Chennai as shown in the annexure, in the Industrial Dispute between the employers in relation to the management of Grasim Industries Ltd. and their workman, which was received by the Central Government on 13-4-2006.

[No. L-29012/8/2004-IR (M)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Thursday, the 4th August, 2005

PRESENT : K. JAYARAMAN,
Presiding Officer

INDUSTRIAL DISPUTE NO. 369/2004

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section

10 of the Industrial Disputes Act, 1947 (14 of 1947), between the management of Grasim Industries Ltd. Grasim Cement Division (S) and their workman)

BETWEEN:

Sri S. Thirumal : I Party/Petitioner

AND:

The Joint President, Grasim Industries Ltd. Grasim Cement Division(S) Reddipalayam Post. : II Party/Management

APPEARANCE:

For the Workman : M/s. Sivam, S.Subramaniam & Balaji Advocates

For the Management : M/s. Meenakshisundram & Dwarakanatham, Advocates

AWARD

The Central Government, Ministry of Labour vide Notification Order No.L- 29012/8/2004-IR (M) dated 31-03-2004 has referred the following industrial dispute to this Tribunal for adjudication:—

"Whether the claim of Shri Thirumal for continuity of service, regularisation with back wages and all benefits against the management of Grasim Industries Ltd., Cement Division (South) Reddipalayam, Ariyalur is legal and justified? If not, to what relief the workman is entitled?"

2. After the receipt of the reference, it was taken on file as I.D. No. 369/2004 and notices were issued to both the parties. Both sides have entered appearance through their advocates and filed Claim Statement and Counter Statement respectively.

3. The allegations in the Claim Statement are briefly as follows:

The Petitioner is a worker under the II Party/ Management from 15-1-2001 and engaged in mining works. He has worked continuously for more than 500 days and there was licensed contractor to engage workers in this kind of mining works. One Dharani cement was the previous owner of the cement plant which was subsequently taken over by the II Party/Management as Grasim Cement Division. The II Party/ Management was using 26 emloyees like the Petitioner and the post is permanent and continuous one and therefore, the worker is also deemed to be a permanent worker. The Petitioner was one of the land owners in the said area and was previously doing agriculture in the land and the said lands wers acquired for the purpose of setting up of II Party/Management cement plant in the year 1994-95. At the time of purchase of lands, it was promised that II Party/ Management for whom the lands were being acquired would employ all those whose land had been acquired. Therefore, the Petitioner's legitimate expectation that he would be made a permanent employee of the II Party/Management. The Petitioner was engaged as water pump and mining helper and now he is presently working as helper in the mining with the present wages of Rs.100 per day. The II Party/Management is under the control of cement wages settlement Board and as per the wages board and as per Mines Act, no person should be employed undar contract labour in extricating work especially relating to mines. For the benefit of the Petitioner and other labourers, a collective group provident fund account had been opened with contribution from the II Party/ Management and amounts are then divided and given credit to each individual. The I Party Petitioner is entitled to get his service regularised with all benefits and back wages and hence, he raised this dispute. The II Party/Management's action in not regularising the service even after more than 500 days of continuous service in a permanent vacancy is illegal, arbitrary and unjust and Respondent/Management cannot plead estaoppel after agreeing to given permanent employment to those persons whose lands were acquired for the plant. Hence, for all these reasons, he prays this Tribunal to regularise the services of the Petitioner with back wages and other monetary benefits with continuity of service.

4. As against this, the Respondent in its Counter Statement contended that the I Party/ Workman has never been and employee of the II Party/Management. The Petitioner is a workman of licensed contractor of II Party/ Management namely M/s. VSK Projects P.Ltd. The Petitioner through his union affiliated to Tamil Manila Trade Union Congress raised dispute against the contractor of management for payment of bonus, minimum wages before this Court August, 2003 under .D.No. 109/2003. Therefore, the Petitioner new cannot be heard to set up a new case that they are employees of II Party/Management. Further, the Petitioner filed an application under Minimum Wages Act jointly against the II Party/Management and the contractors seeking to pay E Grade Wages as per Cement Wages Settlement dated 14-8-2000. Against that order, the II Party/Management filed a Writ Petition and the Hon'ble High Court was pleased to stay the said order. Even in that petition, the petitioner has admitted that he being an employee of the contractor of the II Party/Management and therefore, now he cannot state that he is an employee of the Respondent/Management. The II Party/ Management has always been engaging licensed contractors to do the work of mining of lime deposits. Since the Petitioner claims to work in mini cement plant, which does not come within the purview of Arbitration Award dated 20-7-1983 and the provident fund is paid by the contractors for their workmen and not by II Party/ Management. Since the Petitioner is not an employee under Respondent/Management, this respondent is not a necessary party to this dispute.The Petitioner ought to have filed the above dispute against the contractor and not this Respondent. Hence, the Respondent prays to dismiss the claim with costs.

5. In these circumstances, the point for my consideration is—

(i) "Whether the claim of the Petitioner for continuity of service, regularisation with back wages and all benefits against the Respondent/Management is legal and justified?

(ii) "To what relief the Petitioner is entitled?"

Point No.1:—

6. This matter is pending for enquiry for a long time and neither the Petitioner nor his counsel on record appeared for enquiry before this Tribunal for which, the Respondent represented through their advocate on 28-7-2005 Since the Respondent objected for the adjournment of hearing and since neither the Petitioner nor his advocate appeared before this Court for the fourth time, the Petitioner was called absent and set ex-parte.

7. In this case, though the Petitioner alleged that he worked under the Responden/Management from 15-1-2001, he has not produced any document to substantiate his claim. On the other hand, the Respondent alleged that for mining work, they hsve entered into contract with M/s. VSK Projects (P) Ltd. and the Petitioner is only and employee under VSK Projects P. Ltd. When the respondent alleged that he is only an employee under the contractor, the bounden duty to prove the fact that the Petitioner was and employee under II Party/Management is on the Petitioner.

8. But, as I have already stated that the Petitioner has not produced any document to substantiate his claim nor he appeared before this Court to give any oral evidence. Under such circumstances, I find the Petitioner has not established before this Tribunal as he is and employee under the Respondent/Management. Since he has not established this fact, he is not entitled to the claim of regularisation and other consequential benefits. As such, I find this point against the Petitioner.

Point No.2.—

The next point to be decided in this case is to what relief, the Petitioner is entitled?

9. In view of the foregoing findings, I find the Petitioner is not entitled to any relief. No costs.

10. The reference is thus, disposed of accordingly.

(Dictated to the P.A. transcribed and typed by him, corrected and pronounced by me in the open court on this day the 4th August, 2005.)

K. JAYARAMAN, Presiding Officer

नई दिल्ली, 17 अप्रैल, 2006

का. आ. 1770—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ग्रासीम इण्डस्ट्रीज लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चैन्नई के पंचाट (संदर्भ संख्या आई. डी. 361/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-04-2006 को प्राप्त हुआ था।

[सं. एल-29012/18/2004-आई आर (विविध)]

बी.एम. डेविड, अवर सचिव

New Delhi, the 17th April, 2006

S.O. 1770.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. ID-361/2004) of the Central Govt. Indus. Tribunal-cum-Labour Court, Chennai as shown in the annexure, in the Industrial Dispute between the employers in relation to the management of Grasim Industries Ltd. and their workman, which was received by the Central Government on 13-4-2006.

[No. L-29012/18/2004-IR (M)]

B.M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Thursday, the 4th August, 2005

PRESENT: K. JAYARAMAN, Presiding Officer

INDUSTRIAL DISPUTE NO. 361/2004

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Grasim Industries Ltd. Grasim Cement Division (S) and their workman)

BETWEEN:

Sri C. Ramalingam : I Party/Petitioner

AND:

The Joint President, Grasim Industries Ltd. Grasim Cement Division(S) Reddipalayam Post. : II Party/Management

Appearance:

For the Workman : M/s. Sivam, S.Subramaniam & Balaji Advocates

For the Management : M/s. Meenakshisundrama & Dwarakanatham, Advocates

AWARD

The Central Government, Ministry of Labour vide Notification Order No.L- 29012/18/2004-IR (M) dated

31-03-2004 has referred the following industrial dispute to this Tribunal for adjudication:—

"Whether the claim of Shri C. Ramalingam for continuity of service, regularisation with back wages and all benefits against the management of Grasim Industries Ltd., Cement Division (South) Reddiplayam, Ariyalur is legal and justified? If not, to what relief the workman is entitled?"

2. After the receipt of the reference, it was taken on file as I.D. No. 361/2004 and notices were issued to both the parties. Both sides have entered appearance through their advocates and filed Claim Statement and Counter Statement respectively.

3. The allegations in the Claim Statement are briefly as follows:

The Petitioner is a worker under the II Party/ Management from 15-1-2001 and engaged in mining works. He has worked continuously for more than 500 days and there was licensed contractor to engage workers in this kind of mining works. One Dharani cement was the previous owner of the cement plant which was subsequently taken over by the II Party/Management as Grasim Cement Division. The II Party/ Management was using 26 emloyees like the Petitioner and the post is permanent and continuous one and therefore, the worker is also deemed to be a permanent worker. The Petitioner was one of the land owners in the said area and was previously doing agriculture in the land and the said lands were acquired for the purpose of setting up of II Party/Management cement plant in the year 1994-95. At the time of purchase of lands, it was promised that II Party/ Management for whom the lands were being acquired would employ all those whose land had been acquired. Therefore, the Petitioner's legitimate expectation that he would be made a permanent employee of the II Party/Management. The Petitioner was engaged as water pump and mining helper and now he is presently working as helper in the mining with the present wages of Rs.100 per day. The II Party/Management is under the control of cement wages settlement Board and as per the wages board and as per Mines Act, no person should be employed under contract labour in extricating work especially relating to mines. For the benefit of the Petitioner and other labourers, a collective group provident fund account had been opened with contribution from the II Party/ Management and amounts are then divided and given credit to each individual. The I Party Petitioner is entitled to get his service regularised with all benefite and back wages and hence, he raised this dispute. The II Party/ Management's action in not regularising the service even after more than 500 days of continuous service in a permanent vacancy is illegal, arbitrary and unjust and Respondent/Management cannot plead estaoppel after agreeing to given permanent employment to those persons whose lands were acquired for the plant. Hence, for all these reasons, he prays this Tribunal to regularise the services of the Petitioner with back wages and other monetary benefits with continuity of service.

4. As against this, the Respondent in its Counter Statement contended that the I.Party/ Workman has never been and employee of the IIParty/Management. The Petitioner is a workman of licensed contractor of II Party/ Management namely M/s. VSK Projects P.Ltd. The Petitioner through his union affiliated to Tamil Manila Trade Union Congress raised dispute against the contractor of Management for payment of bonus, minimum wages before this Court August, 2003 under D.No. 109/2003. Therefore, the Petitioner new cannot be heard to set up a new case that they are employees of II Party/Management. Further, the Petitioner filed an application under Minimum Wages Act jointly against the II Party/Management and the contractors seeking to pay E Grade Wages as per Cement Wages Settlement dated 14-8-2000. Against that order, the II Party/Management filed a Writ Petition and the Hon'ble High Court was pleased to stay the said order. Even in that petition, the petitioner has admitted that he being and employee of the contractor of the II Party/ Management and therefore, now he cannot state that he is an employee of the Respondent/Management. The II Party/ Management has always been engaging licensed contractors to do the work of mining of lime deposits. Since the Petitioner claims to work in mini cement plant, which does not come within the purview of Arbitration Award dated 20-7-1983 and the provident fund is paid by the contractors for their workmen and not by II Party/ Management. Since the Petitioner is not an employee under Respondent/Management, this Respondent is not a necessary party to this dispute.The Petitioner ought to have filed the above dispute against the contractor and not this Respondent. Hence, the Respondent prays to dismiss the claim with costs.

5. In these circumstances, the point for my consideration is,–

(i) "Whether the claim of the Petitioner for continuity of service, regularisation with back wages and all benefits against the Respondent/ Mansgement is legal and justified?

(ii) "To what relief the Petitioner is entitled"

Point no. 1 :—

6. This matter is pending for enquiry for a long time and neither the Petitioner nor his counsel on record appeared for enquiry before this Tribunal for which, the Respondent represented through their advocate on 28-7-2005. Since the Respondent objected for the adjournment of hearing and since neither the Petitioner nor his advocate appeared before this Court for the fourth time, the Petitioner was called absent and set ex-parte.

7. In this case, though the Petitioner alleged that he worked under the Respondent/Management from 15-1-2001, he has not produced any document to substantiate his claim. On the other hand, the Respondsnt alleged that for mining work, they have entered into contract with M/s. VSK Projects (P) Ltd. and the Petitioner is only an employee under VSK Projects P. Ltd. When the Respondent alleged that he is

only an employee under the contractor, the bounden duty to prove the fact that the Petitioner was an employee under II Party/Management is on the Petitioner.

8. But, as I have already stated that the Petitioner has not produced any document to substantiate his claim nor he appeared before this Court to give any oral evidence. Under such circumstances, I find the Petitioner has not established before this Tribunal as he is and employes under the Respondsnt/Management. Since he has not established this fact, he is not entitled to the claim of regularisation and other consequential benefits. As such, I find this point against the Petitioner.

Point No. 2:

The next point to be decided in this case is to what relief, the Petitioner is entitled?

9. In view of the foregoing findings, I find the Petitioner is not entitled to any relief. No costs.

10. The reference is thus, disposed of accordingly.

(Dictated to the P.A. transcribed and typed by him, corrected and pronounced by me in the open court on this day the 4th August, 2005.)

K. JAYARAMAN, Presiding Officer

नई दिल्ली, 17 अप्रैल, 2006

का. आ.1771—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ग्रासीम इण्डस्ट्रीज लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चैन्नई के पंचाट (संदर्भ संख्या आई. डी. 335/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-04-2006 को प्राप्त हुआ था।

[सं. एल-29012/22/2004-आई आर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 17th April, 2006

S.O. 1771.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. ID-335/2004) of the Central Govt. Indus. Tribunal-cum-Labour Court, Chennai as shown in the annexure, in the Industrial Dispute between the employers in relation to the management of Grasim Industries Ltd. and their workman, which was received by the Central Government on 13-4-2006.

[No. L-29012/22/2004-IR (M)]

B. M. DAVID, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Thursday, the 4th August, 2005

PRESENT:

K. JAYARAMAN, Presiding Officer

INDUSTRIAL DISPUTE NO. 335/2004

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Grasim Industries Ltd. Grasim Cement Division (S) and their workman)

BETWEEN:

Sri Palanisamy : I Party/Petitioner

AND

The Joint Prssidsnt, Grasim Industries Ltd. Grasim Cement Division(S) Rsddipalayam Post. : II Party/Managament

APPEARANCE:

For the Workman : M/s. Sivam, S.Subramaniam & Balaji, Advocates

For the Management : M/s. Mesnakshisundram & Dwarakanatham, Advocates

AWARD

The Central Government, Ministry of Labour vide Notification Order No.L- 29012/22/2004-IR (M) dated 30-04-2004 has referred the following industrial dispute to this Tribunal for adjudication:—

> "Whether the claim of Shri Palanisamy for continuity of service, regularisation with back wages and all benefits against the management of Grasim Industries Ltd., Cement Division (South) Reddipalayam, Ariyalur is legal and justified? If not, to what relief the workman is entitled?"

2. After the receipt of the refersnce, it was taken on file as I.D. No. 335/2004 and notices wers issued to both the parties. Both sides have entered appearance through their advocates and filed Claim Statement and Counter Statement reapectively.

3. The allegations in the Claim Statement are brisfly ss follows:

The Petitioner is a worker undsr the II Party/ Management from 15-1-2001 and engaged in mining works. He has worked continuously for more than 500 days and there was licensed contractor to engage workers in this kind of mining works. One Dharani cement was the previous owner of the cement plant which was subsequently taken over by the II Party/Management as Grasim Cement Division. The II Party/ Management was using 26 emloyees like the Petitioner and the post is permanent and continuous one and therefore, the worker is also deemed to be a permanent worker. The Petitioner was one of the land

owners in the said area and was previously doing agriculture in the land and the said lands were acquired for the purpose of setting upo of II Party/Management cement plant in tha year 1994-95. At the time of purchase of lands, it was promised that II Party/ Management for whom the lands were being acquired would employ all those whose land had been acquired. Therefore, the Petitioner's legitimate expectation that he would be made a permanent employee of the II Party/Management. The Petitioner was engaged as water pump and mining helper and now he is presently working as helper in the mining with the present wages of Rs.100 per day. The II Party/Management is under the controal of cement wages settlement Board and as per the wages board and as per Mines Act, no person should be employed under contract labour in extricating work especially relating to mines. For the benefit of the Petitioner and other labourers, a collective group provident fund account had been opened with contribution from the II Party/ Management and amounts are then divided and given credit to each individual. The I Party Petitioner is entitled to get his service regularised with all benefits and back wages and hence, he raised this dispute. The II Party/ Management'e action in not regularising the service even after more than 500 days of continuous service in a permanent vacancy is illegal, arbitrary and unjust and Respondent/Management cannot plead estoppel after agreeing to given permanent employment to those persons whose lands were acquired for the plant. Hence, for all these reasons, he prays this Tribunal to regularise the services of the Petitioner with back wages and other monetary benefits with continuity of service.

4. As against this, the Respondent in its Counter Statement contended that the I Party/ Workmah has never been and employee of the IIParty/Management. The Petitioner is a workman of licensed contractor of II Party/ Management namely M/s. VSK Projects P. Ltd. The Petitioner through his union affiliated to Tamil Manila Trade Union Congress raised dispute against the contractor of Management for payment of bonus, minimum wages before this Court August, 2003 under I.D.No. 109/2003. Therefore, the Petitioner now cannot be heard to set up a new case that they are employees of II Party/Management. Further, the Petitioner filed an application under Minimum Wages Act jointly against the II Party/Management and the contractors seeking to pay E Grade Wages as per Cement Wages Settlement dated 14-8-2000. Against that order, the II Party/Management filed a Writ Petition and the Hon'ble High Court was pleased to stay the said order. Even in that petition, the petitioner has admitted that he being an employee of the contractor of the II Party/ Management and therefore, now he cannot state that he is an employee of the Respondent/Management. The II Party/ Management has alwaya been engaging licensed contractors to do the work of mining of lime deposits. Since the Petitioner claims to work in mini cement plant, which does not come within the purview of Arbitration Award dated 20-7-1983 and the provident fund is paid by the contractors for their workmen and not by II Party/ Management. Since the Petitioner is not an employee under Respondent/Management, this Respondent is not a necessary party to this dispute.The Petitioner ought to have filed the above dispute against the contractor and not this Respondent. Hence, the Respondent prays to dismiss the claim with costs.

5. In these circumstances, the point for my consideration is,–

(i) "Whether the claim of the Petitioner for continuity of service, rsgularisation with back wages and all benefits against the Resondent/Management is legal and justified?

(ii) "To what relief the Petitioner is entitled?"

Point No. 1 :

6. This matter is pending for enquiry for a long time and neither the Petitioner nor his counsel on record appeared for enquiry before this Tribunal for whieh, the Respondent represented through their advocate on 28-7-2005. Since the Respondent objected for the adjournment of hearing and since neither the Petitioner nor his advocate appeared before this Court for the fourth time, the Petitioner was called absent and set ex-parte.

7. In this case, though the Petitioner alleged that he worked under the Respondent/Management from 15-1-2001, he has not produced any document to substantiate his claim. On the other hand, the Respondent alleged that for mining work, they have entered into contract with M/s. VSK Projects (P) Ltd. and the Petitioner is only an employee under VSK Projects P. Ltd. When the Respondent alleged that he is only an employee under the contractor, the bounden duty to prove the fact that the Petitioner was an employee under II Party/Management is on the Petitioner.

8. But, as I have already stated that the Petitioner has not produced any document to substantiate his claim nor he appeared before this Court to give any oral evidence. Under such circumstances, I find the Petitioner has not established before this Tribunal as he is an employee under the Respondent/Management. Since he has not established this fact, he is not entitled to the claim of regularisation and other consequential benefits. As such, I find this point against the Petitioner.

Point No. 2 :

The next point to be decided in this case is to what relief, the Petitioner is entitled?

9. In view of the foregoing findings, I find the Petitioner is not entitled to any relief. No costs.

10. The reference is thus, disposed of accordingly.

(Dictated to the P.A. transcribed and typed by him, corrected and pronounced by me in the open court on this day the 4th August, 2005.)

K. JAYARAMAN, Presiding Officer

नई दिल्ली, 17 अप्रैल, 2006

का. आ. 1772.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ग्रासीम इण्डस्ट्रीज लि. के प्रबन्धतंत्र के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चैन्नई के पंचाट (संदर्भ संख्या आई. डी. 336/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-4-2006 को प्राप्त हुआ था।

[सं. एल-29012/24/2004-आई आर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 17th April, 2006

S.O. 1772.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. ID-336/2004) of the Central Govt. Indusrial-Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Grasim Industries Ltd. and their workmen, which was received by the Central Government on 13-04-2006.

[No. L-29012/24/2004-IR (M)]

B.M. DAVID, Under, Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Thursday, the 4th August, 2005

PRESENT:

K. Jayaraman, Presiding Officer

INDUSTRIAL DISPUTE NO. 336/2004

(In the matter of dispute for adjuducation under clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of Grasim Industries Ltd. Grasim Cement Division (S) and their workmen)

BETWEEN

Sri Krishnamoorthy : Ist Party/Patitioner

AND

The Joint president, Grasim Industries Ltd. Grasim Cement Division (S) Reddipalayam Post : II Party/Management

APPEARANCE:

For the Workman : M/s. Sivam, S. Subramaniam & Balaji, Advocates

For the Management: M/s. Meenakshisundaram & Dwarakanatham, Advocate

AWARD

The Central Government, Ministry of Labour vide Notification Order No. L-29012/24/2004-IR (M) dated 30-04-2004 has referred the following industrial dispute to this Tribunal for adjudication.

"Whether the claim of Shri Krishnamoorthy for continuity of service, regularisation with back wages and all benefits against the management of Grasim Industries Ltd., Cement Division (South) Reddipalayam, Ariyalur is legal and justified ? If not, to what relief the workman is entitled ?"

2. After the receipt of the reference, it was taken on file as I.D. No. 336/2004 and notices were issued to both the parties. Both sides have entered appearance through their advocates and filed Claim Statement and Counter Statement respectively.

3. The allegations in the Claim Statement are briefly as follows :—

The Petitioner is a worker under the II Party/ Management from 15-1-2001 and engaged in mining works. He has worked continuously for more than 500 days and there was licensed contractor to engage workers in this kind of mining works. One Dharani cement was the previous owner of the cement plant which was subsequently taken over by the II Party/Management as Grasim Cement Division. The II Party/Management was using 26 employees like the Petitioner and the post is permanent and continuous one and therefore, the worker is also deemed to be a permanent worker. The Petitioner was one of the land owners in the said area and was previously doing agriculture in the land and the said lands were acquired for the purpose of setting up of II Party/Management cement plant in the year 1994-95. At the time of purchase of lands. it was promised that II Party/ Management for whom the lands were being acquired would employ all those land had been acquired. Therefore, the Petitioner's legitimate expectation that he would be made a permanent employee of the II Party/Management . The Petitioner was engaged as water pump and mining helper and now he is presently working as helper in the mining with the present wages of Rs. 100 per day. The II Party/ Management is under the control of cement wages settlement Board and as per the wages board and as per Mines Act, no person should be employed under contract labour in extricating work especially relating to mines. For the benefit of the Petitioner and other labourers, a collective group provident fund account had been opened with contribution from the II Party/Management and amounts are then divided and given credit to each individual. The I Party Petitioner is entitled to get his service regularised with all benefits and back wages and hence, he raised this dispute. The II Party/ Management's action in not regularising the service even after more than 500 days of continuous service in a permanent vacancy is illegal, arbitrary and unjust and Respondent/ Management cannot plead estoppel after agreeing to give permanent employment to those persons whose lands were acquire for the plant. Hence, for all these reasons, he prays this Tribunal to regularise the service of the Petitioner with back wages and other monetary benefits with continuity of service.

4. As against this, the Respondent in its Counter Statement contended that the I Party/Workman has never been as employee of the II Party/Management. The Petitioner is a workman of licensed contractor of II Party/

Management namely M/s. VSK Projects P. Ltd. The Petitioner though his union affiliated to Tamil Manila Trade Union Congress raised dispute against the contractor of Management for payment of bonus, minimum wages before this Court in August, 2003 under D.No. 109/2003. Therefore, the Petitioner now cannot be heard to set up a new case that they are employees of II Party/Management. Further, the Petitioner filed an application under Minimum Wages Act jointly against the II Party/Management and the contractors seeking to pay E Grade Wages as per Cement Wages Settlement dated 14-8-2000. Against that order, the II Party/Management filed a Writ Petition and the Hon'ble High Court was pleased to stay the said order. Even in that petition, the Petitioner has admitted that he being an employee of the contractor of the II Party/Management and therefore, now he cannot state that he is an employee of the Respondent/Management. The II Party/ Management has always been engaging licensed contractors to do the work of mining of lime deposits. Since the Petitioner claims to work in mini cement plant, which does not come within the purview of Arbitration Award dated 20-7-1983 and the provident fund is paid by the contractors for their workmen and not by II Party/ Management. Since the Petitioner is not an employee under Respondent/Management, this Respondent is not a necessary party to this dispute. The Petitioner ought to have filed the above dispute against the contractor and not this Respondent. Hence, the Respondent prays to dismiss the claim with costs.

5. In these circumstances, the point for my consideration is—

(i) "Whether the claim of the Petitioner for continuity of service, regularisation with back wages and all benefits against the Respondent/ Management is legal and justified?"

(ii) "To what relief the Petitioner is entitled?"

Points No. 1 :—

6. This matter is pending for enquiry for a long time and neither the Petitioner nor his counsel on record appeared for enquiry before this Tribunal for which, the Respondent represented through their advocate on 28-7-2005. Since the Respondent objected for the adjournment of hearing and since neither the Petitioner nor his advocate appeared before this Court for the fourth time, the Petitioner was called absent and set ex-parte.

7. In this case, though the Petitioner alleged that he worked under the Respondent/Management from 15-1-2001, he has not produced any document to substantiate his claim. On the other hand, the Respondent alleged that for mining work, they have entered into contract with M/s. VSK Projects (P) Ltd. and the Petitioner is only an employee under VSK Projects P. Ltd. When the Respondent alleged that he is only an employee under the contractor, the bounden duty to prove the fact that the Petitioner was an employee under II Party/Management is on the Petitioner.

8. But, as I have already stated that the Petitioner has not produced any document to substantiate his claim nor he appeared before this Court to give any oral evidence. Under such circumstances, I find the Petitioner has not established before this Tribunal as he is an employee under the Respondent/Management. Since he has not established this fact, he is not entitled to the claim of regularisation and other consequential benefits. As such, I find this point against the Petitioner.

Point No. 2 :—

The next point to be decided in this case is to what relief, the Petitioner is entitled?

9. In view of the foregoing findings, I find the Petitioner is not entitled to any relief. No costs.

10. The reference is thus, disposed of accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 4th August, 2005)

K. JAYARAMAN, Presiding Officer

नई दिल्ली, 17 अप्रैल, 2006

का. आ. 1773.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ग्रासीम इण्डस्ट्रीज लि. के प्रबन्धतंत्र के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चैन्नई के पंचाट (संदर्भ संख्या आई. डी. 358/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-4-2006 को प्राप्त हुआ था।

[सं. एल-29012/23/2004-आई आर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 17th April, 2006

S.O. 1773.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. ID-358/2004) of the Central Govt. Indusrial-Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Grasim Industries Ltd. and their workman, which was received by the Central Government on 13-04-2006.

[No. L-29012/23/2004-IR (M)]

B.M. DAVID, Under, Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Thursday, the 4th August, 2005

PRESENT:

K. Jayaraman, Presiding Officer

Industrial Dispute No. 358/2004

(In the matter of dispute for adjuducation under clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of Grasim Industries Ltd., Grasim Cement Division (S) and their workman)

BETWEEN

Sri Arumugam : Ist Party/Petitioner

AND

The Joint president, Grasim Industries Ltd., Grasim Cement Division (S) : II Palrty/Management

APPEARANCE:

For the Workman : M/s. Sivam, S. Subramaniam & Balaji, Advocates.

For the Management: M/s.Meenakshisundaram & Dwarakanatham, Advocates.

AWARD

The Central Government, Ministry of Labour vide Notification Order No. L-29012/23/2004-IR (M) dated 30-04-2004 has referred the following industrial dispute to this Tribunal for adjudication :—

"Whether the claim of Shri Arumugam for continuity of service, regularisation with back wages and all benefits against the management of Grasim Industries Ltd., Cement Division (South) Reddipalayam, Ariyalur is legal and justified ? If not, to what relief the workman is entitled ?"

2. After the receipt of the reference, it was taken on file as I.D. No. 358/2004 and notices were issued to both the parties. Both sides have entered appearance through their advocates and filed Claim Statement and Counter Statement respectively.

3. The allegations in the Claim Statement are briefly as follows :—

The Petitioner is a worker under the II Party/ Management from 15-1-2001 and engaged in mining works. He has worked continuously for more than 500 days and there was licensed contractor to engage workers in this kind of mining works. One Dharani cement was the previous owner of the cement plant which was subsequently taken over by the II Party/Management as Grasim Cement Division. The II Party/Management was using 26 employees like the Petitioner and the post is permanent and continuous one and therefore, the worker is also deemed to be a permanent worker. The Petitioner was one of the land owners in the said area and was previously doing agriculture in the land and the said lands were acquired for the purpose of setting up of II Party/ Management cement plant in the year 1994-95. At the time of purchase of lands, it was promised that II Party/ Management for whom the lands were being acquired would employ all those land had been acquired. Therefore, the Petitioner's legitimate expectation that he would be made a permanent employee of the II Party/Management . The Petitioner was engaged as water pump and mining helper and now he is presently working as helper in the mining with the present wages of Rs. 100 per day. The II Party/Management is under the control of cement wages Settlement Board and as per the Wages Board and as per Mines Act, no person should be employed under contract labour in extricating work especially relating to mines. For the benefit of the Petitioner and other labourers, a collective group provident fund account had been opened with contribution from the II Party/Management and amounts are then divided and given credit to each individual. The I Party/Petitioner is entitled to get his service regularised with all benefits and back wages and hence, he raised this dispute. The II Party/Management's action in not regularising the service even after more than 500 days of continuous service in a permanent vacancy is illegal, arbitrary and unjust and Respondent/Management cannot plead estoppel after agreeing to give permanent employment to those persons whose lands were acquired for the plant. Hence, for all these reasons, he prays this Tribunal to regularise the services of the Petitioner with back wages and other monetary benefits with continuity of service.

4. As against this, the Respondent in its Counter Statement contended that the I Party/Workman has never been an employee of the II Party/Management. The Petitioner is a workman of licensed contractor of II Party/ Management namely M/s. VSK Projects P. Ltd. The Petitioner though his union affiliated to Tamil Manila Trade Union Congress raised dispute against the contractor of Management for payment of bonus, minimum wages before this Court in August, 2003 under ID.No. 109/2003. Therefore, the Petitioner now cannot be heard to set up a new case that they are employees of II Party/Management. Further, the Petitioner filed an application under Minimum Wages Act jointly against the II Party/Management and the contractors seeking to pay E Grade Wages as per Cement Wages Settlement dated 14-8-2000. Against that order, the II Party/Management filed a Writ Petition and the Hon'ble High Court was pleased to stay the said order. Even in that petition, the Petitioner has admitted that he being an employee of the contractor of the II Party/Management and therefore, now he cannot state that he is an employee of the Respondent/Management. The II Party/ Management has always been engaging licensed contractors to do the work of mining of lime deposits. Since the Petitioner claims to work in mini cement plant, which does not come within the purview of Arbitration Award dated 20-7-1983 and the provident fund is paid by the contractors for their workmen and not by II Party/ Management. Since the Petitioner is not an employee under Respondent/Management, this Respondent is not a necessary party to this dispute. The Petitioner ought to have filed the above dispute against the contractor and not this Respondent. Hence, the Respondent prays to dismiss the claim with costs.

5. In these circumstances, the point for my consideration is—

(i) "Whether the claim of the Petitioner for continuity of service, regularisation with back wages and all benefits against the Respondent/ Management is legal and justified?"

(ii) "To what relief the Petitioner is entitled?"

Point No. 1 :

6. This matter is pending for enquiry for a long time and neither the Petitioner nor his counsel on record appeared for enquiry before this Tribunal for which, the Respondent represented through their advocate on 28-7-

2005. Since the Respondent objected for the adjournment of hearing and since neither the Petitioner nor his advocate appeared before this Court for the fourth time, the Petitioner was called absent and set ex-parte.

7. In this case, though the Petitioner alleged that he worked under the Respondent/Management from 15-1-2001, he has not produced any document to substantiate his claim. On the other hand, the Respondent alleged that for mining work, they have entered into contract with M/s. VSK Projects (P.) Ltd. and the Petitioner is only an employee under VSK Projects (P.) Ltd. When the Respondent alleged that he is only an employee under the contractor, the bounden duty to prove the fact that the Petitioner was an employee under II Party/Management is on the Petitioner.

8. But, as I have already stated that the Petitioner has not produced any document to substantiate his claim nor he appeared before this Court to give any oral evidence. Under such circumstances, I find the Petitioner has not established before this Tribunal as he is an employee under the Respondent/Management. Since he has not established this fact, he is not entitled to the claim of regularisation and other consequential benefits. As such, I find this point against the Petitioner.

Point No. 2 :—

The next point to be decided in this case is to what relief, the Petitioner is entitled?

9. In view of the foregoing findings, I find the Petitioner is not entitled to any relief. No costs.

10. The reference is thus, disposed of accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 4th August, 2005)

K. JAYARAMAN, Presiding Officer

नई दिल्ली, 17 अप्रैल, 2006

का. आ. 1774.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ग्रासीम इण्डस्ट्रीज लि. के प्रबन्धतंत्र के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चैन्नई के पंचाट (संदर्भ संख्या आई. डी. 362/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-4-2006 को प्राप्त हुआ था।

[सं. एल-29012/13/2004-आई आर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 17th April, 2006

S.O. 1774.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. ID-362/2004) of the Central Govt. Indusrial-Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Grasim Industries Ltd. and their workmen, which was received by the Central Government on 13-4-2006.

[No. L-29012/13/2004-IR (M)]

B.M. DAVID, Under, Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Thursday, the 4th August, 2005

PRESENT:

K. Jayaraman, Presiding Officer

INDUSTRIAL DISPUTE NO. 362/2004

(In the matter of dispute for adjuducation under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of Grasim Industries Ltd. Grasim Cement Division (S) and their workmen)

BETWEEN

Sri Ramalingam : Ist Party/Petitioner

AND

The Joint President, Grasim Industries Ltd. Grasim Cement Division (S) Reddipalayam Post : II Party/Management

APPEARANCES:

For the Workman : M/s. Sivam, S. Subramaniam & Balaji, Advocates

For the Management: M/s. Meenakshisundaram & Dwarakanatham, Advocates

AWARD

The Central Government, Ministry of Labour *vide* Notification Order No. L-29012/13/2004-IR (M) dated 31-3-2004 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the claim of Shri Ramalingam for continuity of service, regularisation with back wages and all benefits against the management of Grasim Industries Ltd., Cement Division (South) Reddipalayam, Ariyalur is legal and justified ? If not, to what relief the workman is entitled ?"

2. After the receipt of the reference, it was taken on file as I.D. No. 362/2004 and notices were issued to both the parties. Both sides have entered appearance through their advocates and filed Claim Statement and Counter Statement respectively.

3. The allegations in the Claim Statement are briefly as follows :—

The Petitioner is a worker under the II Party/ Management from 15-1-2001 and engaged in mining works. He has worked continuously for more than 500 days and there was licensed contractor to engage workers in this kind of mining works. One Dharani cement was the previous

owner of the cement plant which was subsequently taken over by the II Party/Management as Grasim Cement Division. The II Party/Management was using 26 employees like the Petitioner and the post is permanent and continuous one and therefore, the worker is also deemed to be a permanent worker. The Petitioner was one of the land owners in the said area and was previously doing agriculture in the land and the said lands were acquired for the purpose of setting upto of II Party/ Management cement plant in the year 1994-95. At the time of purchase of lands, it was promised that II Party/ Management for whom the lands were being acquired would employ all those land had been acquired. Therefore, the Petitioner's legitimate expectation that he would be made a permanent employee of the II Party/Management. The Petitioner was engaged as water pump and mining helper and now he is presently working as hleper in the mining with the present wages of Rs. 100 per day. The II Party/Management is under the control of cement wages settlement Board and as per the wages board and as per Mines Act, no person should be employed under contract labour in extricating work especially relating to mines. For the benefit of the Petitioner and other labourers, a collective group provident fund account had been opened with contribution from the II Party/Management and amounts are then divided and given credit to each individual. The I Party Petitioner is entitled to get his service regularised with all benefits and back wages and hence, he raised this dispute. The II Party/Management's action in not regularising the service even after more than 500 days of continuous service in a permanent vacancy is illegal, arbitrary and unjust and Respondent/Management cannot plead estoppel after agreeing to give permanent employment to those persons whose lands were acquired for the plant. Hence, for all these reasons, he prays this Tribunal to regularise the services of the Petitioner with back wages and other monetary benefits with continuity of service.

4. As against this, the Respondent in its Counter Statement contended that the I Party/Workman has never been an employee of the II Party/Management. The Petitioner is a workman of licensed contractor of II Party/ Management namely M/s. VSK Projects P. Ltd. The Petitioner through his union affiliated to Tamil Manila Trade Union Congress raised dispute against the contractor of Management for payment of bonus, minimum wages before this Court in August, 2003 under D.No. 109/2003. Therefore, the Petitioner now cannot be heard to set up a new case that they are employees of II Party/Management. Further, the Petitioner filed an application under Minimum Wages Act jointly against the II Party/Management and the contractors seeking to pay E Grade Wages as per Cement Wages Settlement dated 14-8-2000. Against that order, the II Party/Management filed a Writ Petition and the Hon'ble High Court was pleased to stay the said order. Even in that petition, the Petitioner has admitted that he being an employee of the contractor of the II Party/Management and therefore, now he cannot state that he is an employee of the Respondent/Management. The II Party/ Management has always been engaging licensed contractors to do the work of mining of lime deposits. Since the Petitioner claims to work in mini cement plant, which does not come within the purview of Arbitration Award dated 20-7-1983 and the provident fund is paid by the contractors for their workmen and not by II Party/ Management. Since the Petitioner is not an employee under Respondent/Management, this Respondent is not a necessary party to this dispute. The Petitioner ought to have filed the above dispute against the contractor and not this Respondent. Hence, the Respondent prays to dismiss the claim with costs.

5. In these circumstances, the point for my consideration is—

(i) "Whether the claim of the Petitioner for continuity of service, regularisation with back wages and all benefits against the Responden/ Management is legal and justified?

(ii) To what relief the Petitioner is entitled?"

Points No. 1 :

6. This matter is pending for enquiry for a long time and neither the Petitioner nor his counsel on record appeared for enquiry before this Tribunal for which, the Respondent represent through their advocate for which the Respondent objected for the adjournment of hearing and since neither the Petitioner nor his advocate appeared before this Court for the fourth time, the Petitioner was called absent and set ex-parte.

7. In this case, though the Petitioner alleged that he worked under the Respondent/Management from 15-1-2001, he has not produced any document to substantiate his claim. On the other hand, the Respondent alleged that for mining work, they have entered into contract with M/s. VSK Projects (P) Ltd. and the Petitioner is only an employee under VSK Projects P. Ltd. When the Respondent alleged that he is only an employee under the contractor, the bounden duty to prove the fact that the Petitioner was an employee under II Party/Management is on the Petitioner.

8. But, as I have already stated that the Petitioner has not produced any document to substantiate his claim nor he appeared before this Court to give any oral evidence. Under such circumstances, I find the Petitioner has not established before this Tribunal as he is an employee under the Respondent/Management. Since he has not established this fact, he is not entitled to the claim of regularisation and other consequential benefits. As such, I find this point against the Petitioner.

Point No. 2 :

The next point to be decided in this case is to what relief, the Petitioner is entitled?

9. In view of the foregoing findings, I find the Petitioner is not entitled to any relief. No costs.

10. The reference is thus, disposed of accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 4th August, 2005).

K. JAYARAMAN, Presiding Officer

नई दिल्ली, 17 अप्रैल, 2006

का. आ. 1775.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ग्रासीम इण्डस्ट्रीज लि. के प्रबन्धतंत्र के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट (संदर्भ संख्या आई. डी. 365/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-4-2006 को प्राप्त हुआ था।

[सं. एल-29012/11/2004-आई आर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 17th April, 2006

S.O. 1775.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. ID-365/2004) of the Central Government Industrial-Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Grasim Industries Ltd. and their workman, which was received by the Central Government on 13-04-2006.

[No. L-29012/11/2004-IR (M)]

B. M. DAVID, Under, Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Thursday, the 4th August, 2005

PRESENT: K. JAYARAMAN, Presiding Officer

Industrial Dispute No. 365/2004

[In the matter of dispute for adjudication under clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of Grasim Industries Ltd. Grasim Cement Division (S) and their workman.]

BETWEEN

Sri Balakrishnan : Ist Party/Petitioner

AND

The Joint President, Grasim Industries Ltd. Grasim Cement Division (S) Reddipalayam Post. : II Party/Management

APPEARANCE:

For the Workman : M/s. Sivam, S. Subramaniam & Balaji, Advocates

For the Management: M/s.Meenakshisundaram & Dwarakanatham, Advocates

AWARD

The Central Government, Ministry of Labour *vide* Notification Order No. L-29012/11/2004-IR (M) dated 31-03-2004 has referred the following industrial dispute to this Tribunal for adjudication.

> "Whether the claim of Shri Balakrishnan for continuity of service, regularisation with back wages and all benefits against the management of Grasim Industries Ltd., Cement Division (South) Reddipalayam, Ariyalur is legal and justified ? If not, to what relief the workman is entitled ?"

2. After the receipt of the reference, it was taken on file as I.D. No. 365/2004 and notices were issued to both the parties. Both sides have entered appearance through their advocates and filed Claim Statement and Counter Statement respectively.

3. The allegations in the Claim Statement are briefly as follows :—

The Petitioner is a worker under the II Party/ Management from 15-1-2001 and engaged in mining works. He has worked continuously for more than 500 days and there was licensed contractor to engage workers in this kind of mining works. One Dharani cement was the previous owner of the cement plant which was subsequently taken over by the II Party/Management as Grasim Cement Division. The II Party/Management was using 26 employees like the Petitioner and the post is permanent and continuous one and therefore, the worker is also deemed to be a permanent worker. The Petitioner was one of the land owners in the said area and was previously doing agriculture in the land and the said lands were acquired for the purpose of setting up to of II Party/ Management cement plant in the year 1994-95. At the time of purchase of lands, it was promised that II Party/ Management for whom the lands were being acquired would employ all those land had been acquired. Therefore, the Petitioner's legitimate expectation that he would be made a permanent employee of the II Party/Management. The Petitioner was engaged as water pump and mining helper and now he is presently working as helper in the mining with the present wages of Rs. 100 per day. The II Party/Management is under the control of Cement Wages settlement Board and as per the wages board and as per Mines Act, no person should be employed under contract labour in extricating work especially relating to mines. For the benefit of the Petitioner and other labourers, a collective group provident fund account had been opened with contribution from the II Party/Management and amounts are then divided and given credit to each individual. The I Party Petitioner is entitled to get his service regularised with all benefits and back wages and hence, he raised this dispute. The II Party/Management's action in not regularising the service even after more than 500 days of continuous service in a permanent vacancy is illegal.

arbitrary and unjust and Respondent/Management cannot plead estoppel after agreeing to give permanent employment to those persons whose lands were acquire for the plant. Hence, for all these reasons, he prays this Tribunal to regularise the services of the Petitioner with back wages and other monetary benefits with continuity of service.

4. As against this, the Respondent in its Counter Statement contended that the I Party/Workman has never been as employee of the II Party/Management. The Petitioner is a workman of licensed contractor of II Party/Management namely M/s. VSK Projects P. Ltd. The Petitioner though his union affiliated to Tamil Manila Trade Union Congress raised dispute against the contractor of Management for payment of bonus, minimum wages before this Court in August, 2003 under I. D. No. 109/2003. Therefore, the Petitioner now cannot be heard to set up a new case that they are employees of II Party/Management. Further, the Petitioner filed an application under Minimum Wages Act jointly against the II Party/Management and the contractors seeking to pay E Grade Wages as per Cement Wages Settlement dated 14-8-2000. Against that order, the II Party/Management filed a Writ Petition and the Hon'ble High Court was pleased to stay the said order. Even in that petition, the Petitioner has admitted that he being an employee of the contractor of the II Party/ Management and therefore, now he cannot state that he is an employee of the Respondent/Management. The II Party/ Management has always been engaging licensed contractors to do the work of mining of lime deposits. Since the Petitioner claims to work in mini cement plant, which does not come within the purview of Arbitration Award dated 20-7-1983 and the provident fund is paid by the contractors for their workmen and not be II Party/ Management. Since the Petitioner is not an employee under Respondent/Management, this Respondent is not a necessary party to this dispute. The Petitioner ought to have filed the above dispute against the contractor and not this Respondent. Hence, the Respondent prays to dismiss the claim with costs.

5. In these circumstances, the point for my consideration is-

(i) "Whether the claim of the Petitioner for continuity of service, regularisation with back wages and all benefits against the Respondent/ Management is legal and justified?"

(ii) "To what relief the Petitioner is entitled?"

Point No. 1 :

6. This matter is pending for enquiry for a long time and neither the Petitioner nor his counsel on record appeared for enquiry before this Tribunal for which, the Respondent represented through their advocate on 28-7-2005. Since the Respondent objected for the adjournment of hearing and since neither the Petitioner nor his advocate appeared before this Court for the fourth time, the Petitioner was called absent and set ex-parte.

7. In this case, though the Petitioner alleged that he worked under the Respondent/Management from 15-1-2001, he has not produced any document to substantiate his claim. On the other hand, the Respondent alleged that for mining work, they have entered into contract with M/s. VSK Projects (P) Ltd. and the Petitioner is only an employee under VSK Projects P. Ltd. When the Respondent alleged that he is only an employee under the contractor, the bounden duty to prove the fact that the Petitioner was an employee under II Party/Management is on the Petitioner.

8. But, as I have already stated that the Petitioner has not produced any document to substantiate his claim nor he appeared before this Court to give any oral evidence. Under such circumstances, I find the Petitioner has not established before this Tribunal as he is an employee under the Respondent/Management. Since he has not established this fact, he is not entitled to the claim of regularisation and other consequential benefits. As such, I find this point against the Petitioner.

Point No. 2 :—

The next point to be decided in this case is to what relief, the Petitioner is entitled?

9. In view of the foregoing findings, I find the Petitioner is not entitled to any relief. No costs.

10. The reference is thus, disposed of accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 4th August, 2005).

K. JAYARAMAN, Presiding Officer

नई दिल्ली, 17 अप्रैल, 2006

का. आ. 1776.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ग्रासीम इण्डस्ट्रीज लि. के प्रबन्धतंत्र के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चैन्नई के पंचाट (संदर्भ संख्या आई. डी. 334/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13-4-2006 को प्राप्त हुआ था।

[सं. एल-29012/21/2004-आई आर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 17th April, 2006

S.O. 1776.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. ID-334/2004) of the Central Govt. Industrial-Tribunal-cum-

Labour Court, Chennai as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Grasim Industries Ltd. and their workmen, which was received by the Central Government on 13-04-2006.

[No. L-29012/21/2004-IR (M)]

B.M. DAVID, Under, Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Thursday, the 4th August, 2005

PRESENT:

K. JAYARAMAN, Presiding Officer

INDUSTRIAL DISPUTE NO. 334/2004

(In the matter of dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of Grasim Industries Ltd. Grasim Cement Division (S) and their workmen)

BETWEEN

Shri Saminathan : Ist Party/Petitioner

AND

The Joint President, Grasim Industries Ltd. Grasim Cement Division (S) Reddipalayam Post. : II Party/Management

APPEARANCE:

For the Workman : M/s. Sivam, S. Subramaniam & Balaji, Advocates

For the Management: M/s.Meenakshisundaram & Dwarakanatham, Advocates

AWARD

The Central Government, Ministry of Labour vide Notification Order No. L-29012/21/2004-IR (M) dated 30-04-2004 has referred the following industrial dispute to this Tribunal for adjudication.

> "Whether the claim of Shri Saminathan for continuity of service, regularisation with back wages and all benefits against the management of Grasim Industries Ltd., Cement Division (South) Reddipalayam, Ariyalur is legal and justified ? If not, to what relief the workman is entitled to ?"

2. After the receipt of the reference, it was taken on file as I.D. No. 334/2004 and notices were issued to both the parties. Both sides have entered appearance through their advocates and filed Claim Statement and Counter Statement respectively.

3. The allegations in the Claim Statement are briefly as follows :—

The Petitioner is a worker under the II Party/ Management from 15-1-2001 and engaged in mining works. He has worked continuously for more than 500 days and there was licensed contractor to engage workers in this kind of mining works. One Dharani cement was the previous owner of the cement plant which was subsequently taken over by the II Party/Management as Grasim Cement Division. The II Party/Management was using 26 employees like the Petitioner and the post is permanent and continuous one and therefore, the worker is also deemed to be a permanent worker. The Petitioner was one of the land owners in the said area and was previously doing agriculture in the land and the said lands were acquired for the purpose of setting up of II Party/ Management cement plant in the year 1994-95. At the time of purchase of lands, it was promised that II Party/ Management for whom the lands were being acquired would employ all those whose land had been acquired. Therefore, the Petitioner's legitimate expectation that he would be made a permanent employee of the II Party/ Management . The Petitioner was engaged as water pump and mining helper and now he is presently working as helper in the mining with the present wages of Rs. 100 per day. The II Party/Management is under the control of cement wages settlement Board and as per the wages board and as per Mines Act, no person should be employed under contract labour in extricating work especially relating to mines. For the benefit of the Petitioner and other labourers, a collective group provident fund account had been opened with contribution from the II Party/ Management and amounts are then divided and given credit to each individual. The I Party Petitioner is entitled to get his service regularised with all benefits and back wages and hence, he raised this dispute. The II Party/ Managements action in not regularising the service even after more than 500 days of continuous service in a permanent vacancy is illegal, arbitrary and unjust and Respondent/Management cannot plead estoppel after agreeing to give permanent employment to those persons whose lands were acquire for the plant. Hence, for all these reasons, he prays this Tribunal to regularise the services of the Petitioner with back wages and other monetary benefits with continuity of service.

4. As against this, the Respondent in its Counter Statement contended that the I Party/Workman has never been as employee of the II Party/Management. The Petitioner is a workman of licensed contractor of II Party/ Management namely M/s. VSK Projects P. Ltd. The Petitioner through his union affiliated to Tamil Manila Trade Union Congress raised dispute against the contractor of Management for payment of bonus, minimum wages before this Court in August, 2003 under I D.No. 109/2003. Therefore, the Petitioner now cannot be heard to set up a

new case that they are employees of II Party/Management. Further, the Petitioner filed an application under Minimum Wages Act jointly against the II Party/Management and the contractors seeking to pay E Grade Wages as per Cement Wages Settlement dated 14-8-2000. Against that order, the II Party/Management filed a Writ Petition and the Hon'ble High Court was pleased to stay the said order. Even in that petition, the Petitioner has admitted that he being an employee of the contractor of the II Party/ Management and therefore, now he cannot state that he is an employee of the Respondent/Management. The II Party/ Management has always been engaging licensed contractors to do the work of mining of lime deposits. Since the Petitioner claims to work in mini cement plant, which does not come within the purview of Arbitration Award dated 20-7-1983 and the provident fund is paid by the contractors for their workmen and not by II Party/ Management. Since the Petitioner is not an employee under Respondent/Management, this Respondent is not a necessary party to this dispute. The Petitioner ought to have filed the above dispute against the contractor and not this Respondent. Hence, the Respondent prays to dismiss the claim with costs.

5. In these circumstances, the point for my consideration is—

(i) "Whether the claim of the Petitioner for continuity of service, regularisation with back wages and all benefits against the Respondent/ Management is legal and justified?"

(ii) "To what relief the Petitioner is entitled?"

Point No. 1 :—

6. This matter is pending for enquiry for a long time and neither the Petitioner nor his counsel on record appeared for enquiry before this Tribunal for which, the Respondent represented through their advocate on 28-7-2005. Since the Respondent objected for the adjournment of hearing and since neither the Petitioner nor his advocate appeared before this Court for the fourth time, the Petitioner was called absent and set ex-parte.

7. In this case, though the Petitioner alleged that he worked under the Respondent/Management from 15-1-2001, he has not produced any document to substantiate his claim. On the other hand, the Respondent alleged that for mining work, they have entered into contract with M/s. VSK Projects (P) Ltd. and the Petitioner is only an employee under VSK Projects P. Ltd. When the Respondent alleged that he is only an employee under the contractor, the bounden duty to prove the fact that the Petitioner was an employee under II Party/Management is on the Petitioner.

8. But, as I have already stated that the Petitioner has not produced any document to substantiate his claim nor he appeared before this Court to give any oral evidence. Under such circumstances, I find the Petitioner has not established before this Tribunal as he is an employee under the Respondent/Management. Since he has not established this fact, he is not entitled to the claim of regularisation and other consequential benefits. As such, I find this point against the Petitioner.

Point No. 2 :—

The next point to be decided in this case is to what relief, the Petitioner is entitled?

9. In view of the foregoing findings, I find the Petitioner is not entitled to any relief. No costs.

10. The reference is thus, disposed of accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 4th August, 2005)

K. JAYARAMAN, Presiding Officer

नई दिल्ली, 17 अप्रैल, 2006

का. आ. 1777.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ग्रासीम इण्डस्ट्रीज लि. के प्रबन्धतंत्र के सम्बद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चैन्नई के पंचाट (संदर्भ संख्या आई. डी. 368/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 13/4/2006 को प्राप्त हुआ था।

[सं. एल-29012/9/2004-आई आर (विविध)]

बी. एम. डेविड, अवर सचिव

New Delhi, the 17th April, 2006

S.O. 1777.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. ID-368/2004) of the Central Govt. Indusrial-Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Grasim Industries Ltd. and their workman, which was received by the Central Government on 13-04-2006.

[No. L-29012/9/2004-IR (M)]

B.M. DAVID, Under, Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Thursday, the 4th August, 2005

PRESENT:

K. JAYARAMAN, Presiding Officer

INDUSTRIAL DISPUTE NO. 368/2004

(In the matter of dispute for adjudication under clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of Grasim Industries Ltd. Grasim Cement Division (S) and their workmen)

BETWEEN

Sri Chinnadurai : Ist Party/Petitioner

AND

The Joint President, Grasim Industries Ltd. Grasim Cement Division (S) Reddipalayam Post. : II Party/Management

APPEARANCE:

For the Workman : M/s. Sivam, S. Subramaniam & Balaji, Advocates

For the Management: M/s.Meenakshisundaram & Dwarakanatham, Advocate

AWARD

The Central Government, Ministry of Labour vide Notification Order No. L-29012/9/2004-IR (M) dated 31-03-2004 has referred the following industrial dispute to this Tribunal for adjudication.

> "Whether the claim of Shri Chinnadurai for continuity of service, regularisation with back wages and all benefits against the management of Grasim Industries Ltd., Cement Division (South) Reddipalayam, Ariyalur is legal and justified? If not, to what relief the workman is entitled ?"

2. After the receipt of the reference, it was taken on file as I.D. No. 368/2004 and notices were issued to both the parties. Both sides have entered appearance through their advocates and filed Claim Statement and Counter Statement respectively.

3. The allegations in the Claim Statement are briefly as follows :—

The Petitioner is a worker under the II Party/ Management from 15-1-2001 and engaged in mining works. He has worked continuously for more than 500 days and there was licensed contractor to engage workers in this kind of mining works. One Dharani cement was the previous owner of the cement plant which was subsequently taken over by the II Party/Management as Grasim Cement Division. The II Party/Management was using 26 employees like the Petitioner and the post is permanent and continuous one and therefore, the worker is also deemed to be a permanent worker. The Petitioner was one of the land owners in the said area and was previously doing agriculture in the land and the said lands were acquired for the purpose of setting upon of II Party/ Management cement plant in the year 1994-95. At the time of purchase of lands, it was promised that II Party/ Management for whom the lands were being acquired would employ all those whose land had been acquired. Therefore, the Petitioner's legitimate expectation that he would be made a permanent employee of the II Party/ Management . The Petitioner was engaged as water pump and mining helper and now he is presently working as helper in the mining with the present wages of Rs. 100 per day. The II Party/Management is under the control of cement wages settlement Board and as per the wages board and as per Mines Act, no person should be employed under contract labour in extricating work especially relating to mines. For the benefit of the Petitioner and other labourers, a collective group provident fund account had been opened with contribution from the II Party/ Management and amounts are then divided and given credit to each individual. The I Party Petitioner is entitled to get his service regularised with all benefits and back wages and hence, he raised this dispute. The II Party/ Managements action in not regularising the service even after more than 500 days of continuous service in a permanent vacancy is illegal, arbitrary and unjust and Respondent/Management cannot plead estoppel after agreeing to give permanent employment to those persons whose lands were acquired for the plant. Hence, for all these reasons, he prays this Tribunal to regularise the services of the Petitioner with back wages and other monetary benefits with continuity of service.

4. As against this, the Respondent in its Counter Statement contended that the I Party/Workman has never been an employee of the II Party/Management. The Petitioner is a workman of licensed contractor of II Party/Management namely M/s. VSK Projects P. Ltd. The Petitioner through his Union affiliated to Tamil Manila Trade Union Congress raised dispute against the contractor of Management for payment of bonus, minimum wages before this Court in August, 2003 under I. D.No. 109/2003. Therefore, the Petitioner now cannot be heard to set up a new case that they are employees of II Party/Management. Further, the Petitioner filed an application under Minimum Wages Act jointly against the II Party/Management and the contractors seeking to pay E Grade Wages as per Cement Wages Settlement dated 14-8-2000. Against that order, the II Party/ Management filed a Writ Petition and the Hon'ble High Court was pleased to stay the said order. Even in that petition, the Petitioner has admitted that he being an employee of the contractor of the II Party/Management and therefore, now he cannot state that he is an employee of the Respondent/Management. The II Party/ Management has always been engaging licensed contractors to do the work of mining of lime deposits. Since the Petitioner claims to work in mini cement plant, which does not come within the purview of Arbitration Award dated 20-7-1983 and the provident fund is paid by the

contractors for their workmen and not be II Party/ Management. Since the Petitioner is not an employee under Respondent/Management, this Respondent is not a necessary party to this dispute. The Petitioner ought to have filed the above dispute against the contractor and not this Respondent. Hence, the Respondent prays to dismiss the claim with costs.

5. In these circumstances, the point for my consideration is—

(i) "Whether the claim of the Petitioner for continuity of service, regularisation with back wages and all benefits against the Respondent/ Management is legal and justified?

(ii) To what relief the Petitioner is entitled?"

Points No. 1 :—

6. This matter is pending for enquiry for a long time and neither the Petitioner nor his counsel on record appeared for enquiry before this Tribunal for which, the Respondent represented through their advocate on 28-7-2005. Since the Respondent objected for the adjournment of hearing and since neither the Petitioner nor his advocate appeared before this Court for the fourth time, the Petitioner was called absent and set *ex-parte*.

7. In this case, though the Petitioner alleged that he worked under the Respondent/Management from 15-1-2001, he has not produced any document to substantiate his claim. On the other hand, the Respondent alleged that for mining work, they have entered into contract with M/s. VSK Projects (P) Ltd. and the Petitioner is only an employee under VSK Projects P. Ltd. When the Respondent alleged that he is only an employee under the contractor, the bounden duty to prove the fact that the Petitioner was an employee under II Party/Management is on the Petitioner.

8. But, as I have already stated that the Petitioner has not produced any document to substantiate his claim nor he appeared before this Court to give any oral evidence. Under such circumstances, I find the Petitioner has not established before this Tribunal as he is an employee under the Respondent/Management. Since he has not established this fact, he is not entitled to the claim of regularisation and other consequential benefits. As such, I find this point against the Petitioner.

Point No. 2 :

The next point to be decided in this case is to what relief, the Petitioner is entitled?

9. In view of the foregoing findings, I find the Petitioner is not entitled to any relief. No costs.

10. The reference is thus, disposed of accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 4th August, 2005)

K. JAYARAMAN, Presiding Officer

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